Par. 8.2.1.1.52
830

Thursday,
17th December, 1953

PARLIAMENTARY DEBATES

HOUSE OF THE PEOPLE

OFFICIAL REPORT

PARLIAMENT SECRETARIAT
NEW DELHI

Price Six Annas (Inland)
Price Two Shillings (Foreign)

THE Date 24.11.2014
PARLIAMENTARY DEBATES
(Part I—Questions and Answers)
OFFICIAL REPORT

HOUSE OF THE PEOPLE

Thursday, 17th December, 1953.

The House met at Half Past One of the Clock.

[MR. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

EVASION OF EXCHANGE CONTROL

*1046. **Shri S. N. Das:** Will the Minister of **Finance** be pleased to state:

(a) whether effective arrangements have been made to check the evasion of exchange control specially by the under-invoicing of exports and over-invoicing of imports;

(b) if so, what;

(c) the number of cases of under-invoicing of exports and over-invoicing of imports detected during the year 1952 and 1953 so far; and

(d) whether any machinery has been set up to ensure that the declared value surrendered to the Reserve Bank of India by the exporters is the correct one?

The Deputy Minister of Finance (Shri M. C. Shah): (a) Yes, Sir.

(b) and (d). The customs authorities verify the values declared in bills of entry and shipping bills to examine, if there is any over-invoicing or under-invoicing. The Reserve Bank of India also carry out a percentage check of

the declared values of the exports, shipping bills and contracts regularly. The declared c.i.f. value of imports is also subject to customs check.

(c) Four cases of suspected under-invoicing of exports and over-invoicing of imports came to the notice of the Reserve Bank of India during 1952-53. With your permission, Sir, I may add that there are other cases detected by the Customs authorities during the same period.

Shri S. N. Das: May I know whether the Customs officials are authorised to stop any consignment on the ground that they were under-invoiced or over-invoiced?

Shri M. C. Shah: They do not stop the consignment, but action is taken under the Sea Customs Act.

Shri S. N. Das: May I know whether any number of persons have been punished and if so what is the method of punishment that has been given to those who have been found guilty?

Shri M. C. Shah: I have not got the figures. They are fined. In some cases, prosecutions are also launched. If the Reserve Bank takes action, it has got wider powers of asking for statement and looking into the accounts. It can prosecute them also under the Foreign Exchange Control Act. The Customs authorities proceed under the Sea Customs Act.

Shri Heda: May I know in how many cases proceedings under the Penal Code have been started?

Shri M. C. Shah: I have not got that figure. I can get and supply the information to the hon. Member if he wants.

Shri Nanadas: May I know whether it is a fact that one mica company in Bihar is under-invoicing exports of mica to America? It has got its headquarters in America.

Shri M. C. Shah: I have not got that information with me. I will enquire if I could get that information from the hon. Member.

Shri S. N. Das: May I know whether any estimate has been made regarding the proportion of our dollar earnings that are evaded?

Shri M. C. Shah: I have not got that information. It does not arise out of this question.

SALES TAX

*1047. **Shri S. N. Das:** Will the Minister of **Finance** be pleased to refer to the reply given to starred question No. 732 on the 22nd August, 1953 and state:

(a) whether the views of the various State Governments with regard to the interpretation given by the Supreme Court on the imposition of a tax on the sale or purchase of goods and the situation arising therefrom, have been received and considered by Government; and

(b) if so, what further action has been taken in the matter?

The Deputy Minister of Finance (Shri M. C. Shah): (a) Yes, Sir.

(b) A meeting of the "Committee of Officials", was held at Delhi on 16th and 17th November, 1953, to consider how the difficulties of the trade could be minimised in the matter of collection of tax from the non-resident dealers without causing any loss of revenue to the State Governments. This Committee has made certain recommendations which have been circulated to all the States.

Shri S. N. Das: May I know the nature of the recommendations that have been made regarding this matter by the various State Governments?

Shri M. C. Shah: The Officials Committee decided that these methods should be kept confidential so long as we do not receive the replies of the State Governments and so I am not in a position today to give out the recommendations of the Officials Committee.

Shri S. N. Das: May I know whether the decisions of the Officials Committee in any way differed from the opinion expressed by the various State Governments, referred to in reply to part (a) of the question?

Mr. Speaker: Order, order. That would be disclosing the information.

सेठ अचल सिंह : क्या मंत्री महोदय यह बताने की कृपा करेंगे कि क्या कोई ऐसा प्रबंध किया गया है कि जिस से तमाम स्टेटों में सेल्स टैक्स एक सा हो जाय ?

Shri M. C. Shah: It is not possible for the Centre to say that there ought to be uniformity of sales tax unless the Constitution is amended.

APPOINTMENTS OF INDIANS ON INTERNATIONAL BODIES

*1048. **Shri V. P. Nayar:** Will the Minister of **Home Affairs** be pleased to state whether in appointing Indian Nationals to key positions in International bodies, the Government of India are consulted?

The Deputy Minister of Home Affairs (Shri Datar): No Government officials are appointed to any International Body without the consent of Government. In respect of non-officials there is no definite procedure to be followed.

Shri V. P. Nayar: Am I to take it that, when such appointments are made by international bodies to their key positions, Government of India are not consulted?

Shri Datar: They are consulted whenever the officials of the Government of India or the States are appointed.

Shri V. P. Nayar: I was asking about non-officials.

Shri Datar: No, Sir. We are not consulted.

Shri V. P. Nayar: May I know whether any consultation was made in respect of the appointment of the Secretary-General of the Indian Red Cross?

Shri Datar: I have no information here.

SPECIAL POLICE ESTABLISHMENT

*1049. **Shri V. P. Nayar:** (a) Will the Minister of **Home Affairs** be pleased to state whether it is a fact that allegations and complaints about corrupt practices of officers of the Special Police Establishment are increasing every year?

(b) How many such allegations or complaints were received in the Ministry of Home Affairs in 1950, 1951, 1952 and 1953?

(c) What, if any, is the machinery to check corruption and crimes in the Special Police Establishment?

The Deputy Minister of Home Affairs (Shri Datar): (a) No; they are decreasing every year.

(b) 1950—6
1951—5
1952—1
1953—1
13

(c) Such allegations are enquired into by a special investigating unit that works directly under the Inspector-General, Special Police Establishment. Action—departmental or judicial—depends on the outcome of such investigation in each case.

Shri V. P. Nayar: May I know whether the officers of the Special Police Establishment are sending their property returns as required by the Fundamental Rules and if so what is the agency which verifies the truth or otherwise of such statements?

Shri Datar: So far as I am aware, they are being sent and the Government of India do look into them.

Shri V. P. Nayar: May I know whether Government are aware that owing to the very large powers given to the Special Police Establishment in the matter of investigation, certain genuine complaints against Special Police Establishment are not coming to Government because the complainants fear to approach the Government?

Shri Datar: I am not aware of any such thing.

Shri M. S. Gurupadaswamy: May I know whether it has come to the notice of the hon. Minister that in one of the cases, evidence was recorded of those who had died 13 years back?

Shri Datar: If the hon. Member will kindly make the matter specific....

Mr. Speaker: Order, order. I am afraid I should like to make the position clear. The hon. Member seems to think that the question could be put as a vague sort of an argument and that he can then lay his further argument thereon. A question is purely intended to get information so that the hon. Member may be able to make use of it on the proper occasion. I find in lots of questions a sort of argument is being carried on. That cannot be encouraged.

Shri M. S. Gurupadaswamy: I was only trying to get information.

Mr. Speaker: It is not only getting information. I can see what information is required. Yes, Shri B. S. Murthy.

Shri M. S. Gurupadaswamy: May I ask another question, Sir?

Mr. Speaker: Shri B. S. Murthy.

Shri B. S. Murthy: May I know whether legal proceedings have been instituted in any of these cases? If so, in how many?

Shri Datar: We did take action in every case. We found that in six cases the allegations were unsubstantiated. In some others, they were partly proved. Action has been taken.

Shri V. P. Nayar: May I know whether for the expenditure of this Special Police Establishment, there is a fund called Secret Service fund? May I know whether the accounts of that fund are also audited in detail by the Auditor-General.

Shri Datar: I think it is audited in a way.

Shri V. P. Nayar: Are you definite?

Mr. Speaker: Order, order. Next question

TECHNICAL EDUCATION

***1050. Shri S. N. Das:** (a) Will the Minister of **Education** be pleased to state the names of the Universities whose cases have been considered and recommended by the All-India Council for Technical Education for giving grants for technical education for the year 1953-54?

(b) What is the amount of grant that has been recommended and paid in each of these cases?

(c) What was the basis on which these grants were recommended?

The Deputy Minister of Natural Resources and Scientific Research (Shri K. D. Malaviya): (a) to (c). A statement giving the information required is placed on the Table of the House. [*See* Appendix V, annexure No. 1.]

Shri S. N. Das: May I know the names of the universities or institutions whose cases were considered by the Council, but were not recommended?

Shri K. D. Malaviya: I have not got a list of those cases which have been rejected by the All India Council.

Shri S. N. Das: May I know whether any case of any university or institution has been received against the decision of the All India Council?

ملسٹر آف ایجوکیشن اینڈ نیچرل ریسورسیز اینڈ سائنٹفک ریسرچ (مولانا آزاد) - نہیں - جتنی مدد ان ۱۵ انسٹی ٹیوشنس کو دی جاتی ہے - کاؤنسل کی سفارش سے دی جاتی ہے-

[The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): No; these fifteen institutions enjoy the grants only when they are recommended by the Council.]

श्री राधेलाल व्यास : क्या माननीय मंत्री यह बतलाने की कृपा करेंगे कि क्या केवल उन्हीं टैकनिकल इंस्टीट्यूट्स या संस्थाओं को मदद दी जायगी जो किसी युनिवरसिटी से सम्बन्धित हैं, या ऐसी संस्थाओं को भी जैसे कि ग्वालियर टैकनिकल इंस्टीट्यूट को जो किसी युनिवरसिटी से सम्बन्धित नहीं हैं मदद दी जा सकती हैं ?

مولانا آزاد - ہاں ان کے کیس پر بھی غور کیا جائے گا -

[Maulana Azad: Yes, we shall also consider their case.]

Shri V. P. Nayar: I find from the statement that no grant has been made to the Travancore University. May I know whether it is because the Travancore University did not ask for a grant or whether the recommendations were not accepted?

Shri K. D. Malaviya: The All-India Council for Technical Education considers all aspects of the problem and the main question before them is the advancement on a co-ordinated pattern of all types of technical subjects. The Travancore University may not have come within the purview of the All-India Council perhaps.

Shri V. P. Nayar: I wanted to know whether it is because....

Mr. Speaker: Next question.

CENSUS 1951

***1051. Shri D. C. Sharma:** (a) Will the Minister of **Home Affairs** be pleased to state whether the village-wise census figures of 1951 census of the Punjab State are ready?

(b) If not, when the same will be ready?

(c) Are they open for sale to the public?

The Deputy Minister of Home Affairs (Shri Datar): (a) The 1951 Census figures have been collected for every village in the Punjab but the tabulation was limited to the number of occupied houses, literate population and the population of each of the eight livelihood classes. These figures are given in the District Census Hand Books, which have already been published.

(b) Does not arise.

(c) Yes.

Shri D. C. Sharma: What is the price of a copy?

Shri Datar: I have no information.

Shri D. C. Sharma: May I know, Sir, for how many States these village-wise census figures have so far been published?

Shri Datar: Village-wise figures are collected, but they are not published. Even in the Punjab, they have been published only district-wise.

SUBSIDY TO PART 'C' STATES

***1052. Shri Gidwani:** Will the Minister of **States** be pleased to state what is the amount of annual subsidy given to each Part 'C' State by the Government of India?

The Minister of Home Affairs and States (Dr. Katju): A statement giving the information is placed on the Table of the House. [*See* Appendix V, annexure No. 2.]

Shri Gidwani: The statement given to me shows that Himachal Pradesh got Rs. 90 lakhs in 1952-53, and the estimated budget is Rs. 95 lakhs for 1953-54. Vindhya Pradesh got Rs. 72 lakhs in 1952-53 and the estimated budget is Rs. 170 lakhs for 1953-54. Bhopal, with a population of 8 lakhs, got Rs. 105 lakhs in 1952-53 and this time it is Rs. 112 lakhs. Delhi got Rs. 123 lakhs last year and Rs. 28·39 lakhs is estimated for this year. Ajmer got Rs. 88·68 lakhs last year and Rs. 110 lakhs are provided this year in the budget. Then, regarding the other four Part 'C' States namely, Bilaspur, Kutch, Manipur and Tripura, they have no consolidated fund of their own and their receipt and expenditure both on Capital and Revenue account are included in the Consolidated Fund of India.

May I know, Sir, what is the income of the States themselves in the first five cases?

Dr. Katju: I should like to have notice of that.

Shri Gidwani: May I know, Sir....

Mr. Speaker: I am going to the next question.

Per Capita INCOME

***1053. Shri K. P. Sinha:** (a) Will the Minister of **Finance** be pleased to refer to the reply to starred question No. 395 asked on the 2nd March, 1953, and state whether the attempt to find out the *per capita* figure of income for the year 1949-50 has reached its final stage?

(b) If so, what is the *per capita* income for the year 1949-50 and how does it compare with 1939-40 and subsequent years?

The Parliamentary Secretary to the Minister of Finance (Shri B. R. Bhagat): (a) Estimates for the *per capita* income for the year 1949-50 are expected to be finalised early next year.

(b) Does not arise.

Shri K. P. Sinha: May I know if any attempt is being made to find out the *per capita* income State-wise?

Shri B. R. Bhagat: No, Sir. Any regional or State-wise computation of the figure is not possible. There are some technical difficulties in such computation.

Shri K. P. Sinha: May I know what would be the increase in the *per capita* income on the successful completion of the First Five Year Plan?

Shri B. R. Bhagat: This committee estimate the *per capita* income in the year 1949-50.

Mr. Speaker: He wants to know what is the estimate of the *per capita* income after the First Five Year Plan is completed.

Shri B. R. Bhagat: The Committee is not estimating that. The scope of the Committee is only to estimate the *per capita* income for 1948-49 and 1949-50.

Shri Meghnad Saha: May I know if the hon. Minister is not aware of such a thing as the Planning Commission which has given the national income for the year 1949-50 and the population of India and he can find out the *per capita* income merely by division?

Mr. Speaker: Order, order.

Shri B. S. Murthy: From the data available is the Minister in a position to say whether there is an increase or decrease in the *per capita* income?

Shri B. R. Bhagat: There is an increase.

Shri Meghnad Saha: May I know on what grounds the hon. Minister gives this information. My information is that there has been a definite decrease.

Mr. Speaker: Well, we will go to the next question.

Adhoc RECRUITMENT TO ADMINISTRATIVE POSTS

***1054. Shri Dabhi:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that in the opinion of the Planning Commission, a co-ordinated endeavour should be made by Government to effect a reduction in the temporary and *ad hoc* recruitment of personnel to the various administrative posts which is still very common; and

(b) what specific efforts have been made by Government in this direction?

The Deputy Minister of Home Affairs (Shri Datar): (a) The precise wording of the Planning Commission's recommendation in this respect is as follows:—

> ". . . a co-ordinated approach between the Public Service Commission and the administrative authorities could, on the one hand, lead to a marked reduction in temporary and *ad hoc* recruitment, which is still common, and, on the other, could expedite the processes of recruitment which tend to take perhaps longer than might be absolutely necessary."

(b) The matter has been taken up with the Union Public Service Commission and formal and conventional arrangements will shortly be arrived at with a view to secure close co-ordination and co-operation between the Commission and the Ministries.

Steps are also being taken to include as many of the existing isolated *ad hoc* posts as possible into regular services.

Shri Dabhi: May I know the comparative figures for the last three years regarding temporary and *ad hoc* recruitment of personnel?

Shri Datar: I have not got any figures. but I may inform the House that the figure regarding temporary employment has decreased by about 2,50,000 during the last three years.

Shri Dabhi: What are the reasons for *ad hoc* recruitment?

Shri Datar: So far as *ad hoc* recruitment is concerned, some men are required for short periods and therefore this has to be resorted to.

Shri Dabhi: May I know whether when the temporary posts are made permanent, the Union Public Service Commission is consulted?

Shri Datar: Yes, they are consulted.

SETTLEMENT OF *Ex*-MILITARY SERVICEMEN IN PEPSU

*1055. **Shri Ajit Singh:** Will the Minister of States be pleased to state:

(a) whether the PEPSU Government have under consideration any scheme for setting apart some lands to settle the *ex*-servicemen of PEPSU State Forces and of the Indian Army;

(b) if so, how many *ex*-servicemen are expected to be settled on those lands; and

(c) whether any preference will be given to the landless *ex*-servicemen in this scheme?

The Minister of Home Affairs and States (Dr. Katju): (a) Yes.

(b) 300 in the first instance.

(c) Yes.

Shri Ajit Singh: What is the location of this land and what is its area?

Dr. Katju: The position is that up till now there was no land available for distribution amongst landless Army personnel. But under recent legislation, fallow land lying in the possession of landlords can be acquired by the State Government and steps are being taken to acquire this land. All the land does not lie in one compact lot. It lies in several compact lots. When the proceedings are completed, then small blocks will be formed and land will be distributed. It is expected that in the first case there will be 300 people accommodated. There will be three colonies formed of about 1,300 acres each. That is the information which I can give at present. I have ventured to give this so that there may be no supplementary questions.

Shri Ajit Singh: What is the last date for submitting the application to Government for this purpose?

Dr. Katju: I really do not know.

I. A. F. SELECTION BOARD, DEHRA DUN

*1056. **Shri T. B. Vittal Rao:** (a) Will the Minister of **Defence** be pleased to state how many candidates appeared for the I.A.F. Competitive Examination in April, 1953 and how many of them were successful?

(b) How many candidates were called for interview and tests by the I.A.F. Selection Board, Dehra Dun, during the year 1953, and how many were ultimately selected by the Board, and their number state-wise?

(c) What is the basis of selection of candidates by the I.A.F. Selection Board?

The Minister of Defence Organisation (Shri Tyagi): (a) 1,261 candidates appeared in the I.A.F. Examination held in April 1953 by the U.P.S.C. and 326 were successful in the written test.

(b) Number of candidates called for interview and test at I.A.F. Selection Board during 1953, 1,422.

Number selected by the Board, 313.

The States to which they belong:—

Delhi	50
Punjab	79
Madras	30
Bengal	18
Rajasthan	9
Mysore	5
Bihar	6
Bombay	24
Madhya Pradesh	11
Orissa	1
Madhya Bharat	1
Uttar Pradesh	62
Hyderabad	4
Coorg	2
PEPSU	3
Saurashtra	1
Travancore-Cochin	4
Assam	1
Indian National residing in Burma	1
Jammu and Kashmir	1
	313

(c) The selection of candidates is made primarily on the basis of

(i) Officer-like qualities;

(ii) Pilot aptitude.

Shri T. B. Vittal Rao: May I know what was the total number of vacancies notified and the number of those selected?

Shri Tyagi: I am sorry I have not got the figures ready as to the total number of vacancies notified; but the selection was made according to requirements and sometimes the selection of a greater number of candidates than are required is also made.

Shri T. K. Chaudhuri: May I know if any selections are made outside the candidates who sit for the examination, without any written examination?

Shri Tyagi: Sir, I have said there are two methods of selection. One is through the Public Service Commission when they come and sit for the competitive examination. After they pass that examination their names are forwarded to the Selection Board who again interview them and give them marks. These marks are sent back to the Public Service Commission so that they add the two marks—obtained at the two places—and make a list according to merits, out of which the selection is made. This is one batch which goes to the Joint Services Wing for training. Another batch is selected by the Selection Board for direct recruitment to the Academy.

Shri B. S. Murthy: May I know whether any scheduled caste or scheduled tribe candidates are selected; if so, what is their number?

Shri Tyagi: No distinction of caste or creed is made in this selection.

Shri Velayudhan: On a point of order, Sir. He said that he does not discriminate between candidates in the matter of selection....

Mr. Speaker: He can take it at the and of the hour. I will hear him.

I.A.F. SELECTION BOARD, DEHRA DUN

***1057. Shri T. B. Vittal Rao:** (a) Will the Minister of **Defence** be pleased to state who are the Members of the I.A.F. Selection Board at Dehra Dun during 1953?

(b) Have certain allegations of nepotism and provincialism against some of the members of the Selection Board come to the notice of Government?

(c) If so, what action have Government taken on these allegations?

The Minister of Defence Organisation (Shri Tyagi): (a) I.A.F. Selection Board at Dehra Dun is composed of:—

President—Wg. Cdr. S. W. Bobb.

Dy. President—Sqn. Ldr. S. S. Sawhney.

Senior Group Testing Officer—Sqn. Ldr. S. P. Sen.

Group Testing Officers—Flt. Lt. M. B. Athale; Flt. Lt. V. P. Bhasin; Flt. Lt. P. N. Bhatia; Flt. Lt. P. S. Murthy; Flt. Lt. A. Almeida.

Psychologist Officer—Fg. Off. K. N. Randeria.

(b) and (c). An allegation made in one instance was enquired into and found baseless. No action was therefore warranted.

Shri T. B. Vittal Rao: May I know if a complaint was made that in the 1952 selection nobody from the South was selected?

Mr. Speaker: The only question is whether a complaint was made.

Shri Tyagi: I have not got the list of all the complaints made from time to time. The question pertains to allegations with regard to cases of nepotism. There was only one such complaint which was proved to be false.

Shri Nanadas: May I know whether the Defence Ministry has given any instructions to the Selection Board to consider the cases of scheduled castes and scheduled tribes liberally?

Shri Tyagi: Yes, Sir. It is always the case in regard to recruitments. They are required to see that as far as possible their recruitment is encouraged.

Sardar Hukam Singh: Were there any cases in which the candidates after being selected by the Selection Board and having undergone courses for a year or two were expelled because they did not possess officer-like qualities?

Shri Tyagi: That is true, Sir. Candidates during the course of their education are also rejected. But they do not lose their educational career because all the Universities have agreed that the two years of the Joint Services Wing course will be taken as equivalent to the Intermediate classes of their Universities. Therefore, when they are rejected they do not lose their educational career.

G. D. PILOT COURSE IN THE I. A. F.

*1058. **Shri T. B. Vittal Rao:** (a) Will the Minister of **Defence** be pleased to state whether it is a fact that recently Government required 40 candidates for the 64th G. D. (Pilot) course in the I.A.F.?

(b) If so, how many candidates were called for interview by the I.A.F. Selection Board, Dehra Dun for this course and how many were selected?

(c) Was the course conducted according to the original schedule?

The Minister of Defence Organisation (Shri Tyagi): (a) Yes.

(b) Number of candidates called for interview—335.

Number of candidates selected by I.A.F. Selection Board—83.

(c) Yes. The course commenced on 1st June 1953, the scheduled date.

CENTRAL SALT RESEARCH STATION

*1062. **Shri S. C. Samanta:** Will the Minister of **Natural Resources and Scientific Research** be pleased to refer to the reply to starred question No. 641 asked on the 10th March, 1953 and state:

(a) whether the proposed Central Salt Research Station according to the Five Year Plan has now been established;

(b) if not, how far the attempts have proceeded;

(c) the estimated cost of the Station; and

(d) whether any site has been selected?

The Deputy Minister of Natural Resources and Scientific Research (Shri K. D. Malaviya): (a) Yes, Sir.

(b) Does not arise.

(c) Rs. 5,12,000.

(d) Yes, Sir, at Bhavnagar in Saurashtra.

Shri S. C. Samanta: May I know what are the precise functions of this Research Institute?

Shri K. D. Malaviya: The function of this Research Institute is to carry on research on the refinement of the salt that is supplied to the nation, improve upon existing processes of manufacture and also to examine the utility of the by-products that are produced in the process of refining and manufacturing salt.

Shri S. C. Samanta: May I know whether any new process for the manufacture of salt is being taken up by the Institute?

Shri K. D. Malaviya: The work has only very recently been started with a nucleus staff. It will take some time before we can have a concrete picture of our programme.

Shri S. C. Samanta: May I know whether the requisite staff has been appointed?

Shri K. D. Malaviya: It is being appointed. The Director has been appointed and he is looking into the matter.

Shri Nanadas: May I know what considerations have weighed with the Government in selecting Bhavnagar as the site for this Research Institute?

Shri K. D. Malaviya: The Saurashtra Government gave suitable building and sites to expedite the work. Its nearness to coast is another factor in favour of its selection.

NOTE PASS SYSTEM

*1066. **Dr. M. M. Das:** Will the Minister of **Finance** be pleased to state:

(a) the classes of goods that are allowed to pass through Indian ports by the Customs Department without declaration of their values, under the "Note Pass System";

(b) the values of such goods imported annually during 1951 and 1952;

(c) whether the stores imported by foreign embassies and High Commissioners' offices are included in this class of goods; and

(d) the importers of the goods that pass under the "Note Pass System"?

The Deputy Minister of Finance (Shri A. C. Guha): (a) All classes of goods imported by Government Departments and some quasi-Government organisations are allowed to be cleared without declaration of their value under the "Note Pass System" where their invoices and other connected documents are not received at the port at the time of clearance.

(b) A rough estimate of the value of such goods imported during 1951 and 1952 is Rs. 139 and Rs. 150 crores respectively.

(c) Stores imported by foreign embassies and High Commissioners' offices are not cleared under the "Note Pass System".

(d) Departments of the Central Government, the State Governments and some of the quasi-Government organisations clear their consignments under the "Note Pass System". A list of principal importers who at present avail themselves of this facility is laid on the Table of the House. [*See* Appendix V, annexure No. 3.]

Sir, I may, however, add that some international social service organisations also have got that facility.

Dr. M. M. Das: May I know whether this 'Note Pass System' also applies to particular categories of goods that may be exported from this country?

Shri A. C. Guha: I think, Sir, I have stated that all categories of goods imported by Government departments and quasi-government organisations are cleared on this sytem.

Dr. M. M. Das: I wanted to know whether this system also applies to all categories of goods that may be exported from India.

Mr. Speaker: He wants to know whether Pakistan is given the same facilities for goods that they are importing from India.

Shri A. C. Guha: He wants to know whether this is applicable in the case of exports. This is only for importing goods.

Dr. M. M. Das: May I know whether there is any existing arrangement by which the customs authorities verify the contents of packages?

Shri A. C. Guha: Sir, these are all for government and semi-government organisations and so the question of physical verification does not arise and I do not think there has been any misuse of this system up till now.

Dr. M. M. Das: In the list supplied, I find that there is only a non-Indian organisation—item 55 of the list—Headquarters, Movement Control, British Gurkha Organisation in India. May I know, Sir, what particular types of goods are imported by this Organisation?

Shri A. C. Guha: For each organisation, there is no particular category of articles. However, I would like to have notice.

Shri T. N. Singh: Under the agreement with the Indian Telephone Industries Ltd., Government have taken the power to export telephone instruments to South East Asian countries. May I know, Sir, whether export duty is applied to those exports or not?

Shri A. C. Guha: Subject to correction, I have already said that this system only applies in the case of imports.

ADVANCE REMITTANCES TO FOREIGN COUNTRIES

*1067. **Dr. M. M. Das:** Will the Minister of **Finance** be pleased to state:

(a) whether it is a fact that advance remittances to foreign countries for imports are, as a rule, not allowed by Government;

(b) if so, the reasons for the same;

(c) the categories of cases in which the Reserve Bank allows advance remittance facilities for the import of foreign goods;

(d) the total amounts of such advance remittances allowed during each of the years 1951, 1952 and 1953 to date; and

(e) the average percentage of these advance remittances, allowed by the Reserve Bank on Government account?

The Parliamentary Secretary to the Minister of Finance (Shri B. R. Bhagat): (a) to (c). Advance remittances are as a rule not allowed to be made for imports in order to ensure that payment is made only against receipt of title to the goods and because such advance payments are likely to conflict with the implementation of Government's import policy which is liable to change from time to time. An exception is however made to this rule in the case of imports of capital goods.

(d) and (e). Government have no information as no separate record of advance remittances made is kept.

Dr. M. M. Das: May I know, Sir, whether Government has got an organisation which examines that the money that is allowed as advance remittance is properly used, that is, used for the particular purpose for which it has been granted by the Reserve Bank?

Shri B. R. Bhagat: It is the normal function of the Reserve Bank.

Dr. M. M. Das: I wanted to know whether there is any machinery of the Reserve Bank?

Shri B. R. Bhagat: It is the normal duty of the Reserve Bank to see that the licence for any import or export issued for a particular purpose is being properly utilized.

Dr. M. M. Das: May I know, Sir, whether the Government of India advances payments to any foreign concerns or factories for any particular type of goods? If so, what are those goods?

Shri B. R. Bhagat: These are capital plant and machinery goods, Sir.

Shri T. N. Singh: May I know, Sir, whether the letters of credit opened by the scheduled banks are checked by the Reserve Bank and whether a proper control is exercised by the Reserve Bank?

Shri B. R. Bhagat: Yes, usually, but, as I said, the Reserve Bank of India does not maintain a separate record of advance remittances against imports.

IMPORT AND EXPORT TRADE OF NEPAL

*1068. **Dr. M. M. Das:** Will the Minister of **Finance** be pleased to state:

(a) whether it is a fact that the Government of India have taken upon themselves the responsibility of payments and receipts of foreign exchange for the import and export trade of Nepal;

(b) if so, since when; and

(c) the average annual amounts of receipts and payments of foreign exchange by India, due to the import and export trade of Nepal?

The Parliamentary Secretary to the Minister of Finance (Shri B. R. Bhagat): (a) and (b). Ever since the inception of exchange control in India the foreign exchange earnings of Nepal have accrued to India and the foreign exchange requirements of Nepal are met by India.

(c) Government have no information.

Dr. M. M. Das: May I know, Sir, what are the main items of import and export of the foreign trade of Nepal, for which we give foreign exchange and we get foreign exchange?

Shri B. R. Bhagat: There is no exchange control operating between India and Nepal. Almost all the trade of Nepal passes through India.

Dr. M. M. Das: I wanted to know what are the goods that are imported by Nepal and what are the goods that are exported by Nepal, for which we arrange foreign exchange.

Shri B. R. Bhagat: Naturally, that information is with the Commerce and Industry Ministry. As I said, there is no statement of account as regards the detailed items of exports and imports.

Co-ordination between the Mercantile Marine and the Indian Navy

***1069. Shri Nanadas:** (a) Will the Minister of **Defence** be pleased to state what kind of co-ordination is there between the Mercantile Marine and the Indian Navy at present?

(b) What steps do Government propose to take for effecting a well planned co-ordination between the Mercantile Marine and the Indian Navy?

The Minister of Defence Organisation (Shri Tyagi): (a) A co-ordination of thought and effort exists between the Indian Navy and the Indian Mercantile Marine. As a further step in this direction cadets from the Mercantile Training Ship "DUFFERIN" are now given a short defence course by the Navy which includes the use of simple weapons and visits to Naval warships. The aim of this course is to inculcate into the young officers some idea of the security of India's sea communications. Naval Headquarters have also a representative on the Board of the Hindustan Shipyard Ltd. at Vizagapatam, who is able to advise and carefully assess the potentialities of this concern for building both merchant and Naval vessels, if required.

(b) The Director General of Shipping and Naval Headquarters keep a close liaison in all matters of common maritime interest through their respective ministries.

Shri Nanadas: May I know, Sir, the number of mercantile ships that can be switched on for combat duties now?

Shri Tyagi: I am sorry I have not got the plan here, but Naval Headquarters have already plans for times of emergency, and know which ships have got the possibility of being deployed and which ships can carry guns, etc. All those things are under examination.

Shri Nanadas: May I know, Sir, whether the Government propose to encourage mercantile ship-building so that these ships can be switched on to combat purposes?

Shri Tyagi: I welcome the idea.

Dr. M. M. Das: May I know, Sir, whether the training ship "Dufferin" trains naval officers or mercantile officers?

Shri Tyagi: Mercantile officers. Their mercantile officers are taken on our ships for naval training.

Shri U. C. Patnaik: May I know, Sir, when grants are being made for the increase of tonnage under the Plan, whether Naval experts are being associated with regard to the

designs and specifications for such construction, so that the ships could be utilised for any emergency in the Navy?

Shri Tyagi: I am afraid Naval officers are not consulted in this matter.

Shri U. C. Patnaik: May I know, Sir, if the Defence Ministry is trying to exercise its influence over the other Ministry to see that Naval officers are consulted before ships are constructed under the Five Year Plan?

Shri Tyagi: I would request my hon. friend to pass on his suggestion to me.

INDUSTRIAL PERSONNEL IN DEFENCE SERVICE

***1070. Shri Gidwani:** Will the Minister of **Defence** be pleased to state:

(a) whether it is a fact that late Shri Gopalaswami Ayyangar, former Defence Minister, had given an assurance to the All-India Defence Service Employees Federation, regarding payment of gratuity to retrenched persons and application of rules to the Industrial personnel; and

(b) if so, whether those assurances have been implemented by Government?

The Deputy Minister of Defence (Shri Satish Chandra): (a) and (b). In 1952, the late Defence Minister, Shri N. Gopalaswami Ayyangar, indicated to the representatives of the All India Defence Services Employees Federation that Government would be prepared to give half a month's pay to every retrenched worker for every completed year of service after the 1st August 1949 subject to a minimum of one month's pay provided, however, that no contribution shall have been made by the Government in respect of the worker concerned to the Provident Fund Scheme and provided also that he is not entitled to any gratuity under any other scheme sanctioned by Government for the same period of service. This was implemented by Government orders issued on the 30th September 1952. No special rules for industrial personnel were intended to be framed. The orders apply to both industrial and non-industrial personnel.

RETRENCHMENT IN MADRAS

***1071. Shri Buchhikotaiah:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that an assurance was given to the Chief Minister of Madras State that all the officials retrenched after the coming into being of the Andhra State would be given posts somewhere in the State; and

(b) if so, whether that promise is being implemented?

The Deputy Minister of Home Affairs (Shri Datar). (a) and (b). No such assurance has been given, nor was it asked for by the Chief Minister, Madras. The Chief Minister asked for all possible help for absorbing the employees of the State Government rendered surplus on the formation of the State of Andhra, in Central Government offices in Madras. He also suggested that there should be no fresh recruitment to these offices for a period of two months so that detailed lists of surplus officers could be worked out during the period. These suggestions were accepted by the Government of India. An order was issued on the 14th October, 1953 stopping fresh recruitment to the Central Government offices in Madras for two months. Orders have also issued directing Employment Exchanges to accord employment assistance to the surplus employees on a priority basis.

Shri Muniswamy: May I know whether the period fixed for absorbing the candidates, which has expired on the 15th December, is to be extended?

Shri Datar: The hon. Member has not understood me correctly. What the Chief Minister of Madras wanted was a period of two months for find-

ing out the exact number of surplus employees likely to be retrenched. That period has been given, and after the list is received, we shall circulate it to all officers in Madras for the absorption of as many as possible.

Shri T. K. Chaudhuri: Have the Government any idea as to the number of the staff rendered surplus due to this separation?

Shri Datar: We shall know that after we receive the list from the Madras Government.

SPORTS

*1072. **Sardar A. S. Saigal:** (a) Will the Minister of **Education** be pleased to state what steps have been taken by Government to develop sports?

(b) How much money is being given to the various organisations by Government for this purpose?

The Deputy Minister of Natural Resources and Scientific Research (Shri K. D. Malaviya): (a) Government are taking steps to develop sports in the country, *inter alia* by giving grants to various Indian Sports Organisations, through the organisation of a National Youth Festival and encouraging the establishment of a National Sports Control Board to coordinate various kinds of sports activities.

(b) A statement is placed on the Table of the House. [*See* Appendix V, annexure No. 4.]

सरदार ए० एस० सहगल : किन खास खास खेलों को प्रोत्साहन दिया जा रहा है ?

श्री के० डी० मालवीय : खलों की तो बहुत लम्बी फ़ेहरिस्त (सूची) है, जो देशी खेल हैं उन को और जो विलायती खेल है उन को भी प्रोत्साहन दिया जा रहा है ।

Mr. Speaker: He wants the names of the particular games.

مسٹر آف ایجوکیشن اینڈ نیچرل ریسورسز اینڈ سائینٹیفک ریسرچ (مولانا آزاد) - ان سب پر یہاں پر بتلانا مشکل ہے -

[The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): It is difficult to enumerate them here.]

Shri V. P. Nayar: May I know whether the Government are aware that the Deputy Secretary in the Education Ministry who is nominated to be a member of the Indian Olympic Association, an organization for which this Government is providing funds, is often saying in meetings that it is due to his personal influence that Government is running this?

Shri K. D. Malaviya: I am not aware of it.

Shri S. N. Das: With a view to give encouragement to sports, may I know whether suggestions have been received by Government that a team of Members of Parliament including the Members of Government should visit Pakistan, Ceylon and Burma?

Shri N. M. Lingam: A sum of Rs. 7,500 has been paid to an institute for conducting research in yoga. May I know if the results of the research are made available to the public, and what exactly is the nature of the research that is carried on in yoga?

Shri K. D. Malaviya: The results have not been communicated to us.

ELEMENTARY EDUCATION IN MADRAS

*1073. **Shri N. M. Lingam:** Will the Minister of **Education** be pleased to state whether the Central Advisory Board of Education has examined the modified scheme of elementary education introduced in the Madras State?

The Deputy Minister of Natural Resources and Scientific Research (Shri K. D. Malaviya): No.

Shri N. M. Lingam: May I know if the Central Advisory Board of Education proposes to consider the scheme?

Shri K. D. Malaviya: On the suggestion of the Chief Minister of Madras, consideration of this scheme by the C.A. Board was postponed.

Mr. Speaker: Question No. 1074.

Next question.

Shri Jhunjhunwala: Sir, there is my question—1074.

Mr. Speaker: The hon. Member did not stand when called upon. I am sorry. We will take it up after all the questions are finished.

GRAM STOCK IN PEPSU

*1075. **Sardar Hukam Singh:** (a) Will the Minister of **States** be pleased to state what was the stock of gram with the Government of PEPSU when the Civil **Supplies** Department was disbanded?

(b) What was the value of these stocks?

(c) In how many places were these stocks lying?

(d) To whom has this work of Civil Supplies Department been entrusted?

The Minister of Home Affairs and States (Dr. Katju): (a) Approximately 1,68,820 maunds.

(b) Approximately Rs. 18,57,020.

(c) These stocks were lying in the *mandies* in the various Districts.

(d) Mainly to the Deputy Commissioners.

Sardar Hukam Singh: What was the stock for which partial payment had been made by the Government when those stocks had been sealed?

Dr. Katju: I have no information about it.

Sardar Hukam Singh: Is it a fact that a good portion of those stocks for which partial payment had been made had been procured at one price, and were released and allowed to be sold to private traders at a much higher price?

Dr. Katju: Will the hon. Member give notice for such information? I really do not know.

Sardar Hukam Singh: Has the Government received complaints that some stocks were released by the Adviser, to be sold by the traders at a much higher price to gain profits and part of which would be available to the Congress party for the next election?

Dr. Katju: None whatsoever. This information should never be repeated.

COMMODITY PRICES IN PEPSU

*1076. **Sardar Hukam Singh:** Will the Minister of **States** be pleased to state:

(a) whether the rates of the commodities that were procured and brought to the markets in PEPSU were fixed by the Procurement Staff of the Civil Supplies Department;

(b) whether any agency has been discharging these duties since the abolition of this department *in toto*; and

(c) whether any complaints have been received from markets in PEPSU that the producers are being denied proper prices for want of any agency to look after their interests?

The Minister of Home Affairs and States (Dr. Katju): (a) Yes.

(b) Yes.

(c) No.

Sardar Hukam Singh: What is the agency that has been brought about to see that the rates are fixed?

Dr. Katju: The question was: whether any agency has been discharging these duties since the abolition of this department *in toto*. The answer to it is: an agency has been established.

Sardar Hukam Singh: What is the agency?

Dr. Katju: The question is: whether any complaints have been received from markets....

Mr. Speaker: He wants to know the agency that has been established.

Dr. Katju: Procurement Inspectors.

CIVIL SUPPLIES DEPARTMENT, PEPSU

*1077. **Sardar Hukam Singh:** Will the Minister of **States** be pleased to state:

(a) what were the functions assigned to the Civil Supplies Department in PEPSU before it was abolished by the Adviser;

(b) whether the field workers were given any training for the technical jobs they had to perform in discharging their duties; and

(c) whether the officers or employees entrusted with the same jobs have been given similar training since the abolition of the Department?

The Minister of Home Affairs and States (Dr. Katju): (a) The functions of the Civil Supplies Department of PEPSU were analogous to those of similar Departments in other States which are surplus in foodgrains. Briefly stated, that Department dealt with the procurement of foodgrains on a monopoly basis, issue of foodgrains locally and export of grains outside the State to deficit areas. That Department also exercised control on other commodities such as cement, salt, vegetable oil, drugs, bricks etc. and regulated their distribution among consumers.

(b) Yes.

(c) Some of these officers have undergone the necessary training.

Sardar Hukam Singh: May I know whether the preservation of stocks and the sampling of them were also entrusted to the Civil Supplies Department and whether that is being done by the agency which is now entrusted with that task?

Dr. Katju: I imagine so.

Sardar Hukam Singh: May I know whether any fumigation of the stocks which this State had when the Civil Supplies Department was abolished, has been carried on, and if so, when?

Dr. Katju: You mean 'fumigation'? I meant 'dhua'.

Mr. Speaker: Next question.

RESERVATION OF POSTS IN MANIPUR STATE FOR TRIBAL PEOPLE

*1079. **Shri Rishang Keishing:** Will the Minister of **States** be pleased to state whether it is the policy of the Government of Manipur to reserve a percentage of Government posts for the tribal people of Manipur?

The Minister of Home Affairs and States (Dr. Katju): It is not necessary to do so.

Shri Rishang Keishing: May I know, Sir, what percentage of the Government posts is reserved for these people?

Dr. Katju: The House may be interested to know this. The total area of about 8,000 sq. miles consists of hills where tribal people live. People from the plains do not care to go to the hills. Therefore, all the jobs in the hills are mainly held by the hill people and today, the percentage of hill men in all categories of service under the Manipur administration is 18·5—more than their population warrants. I am very anxious myself that as many hill people as can possibly be managed should be absorbed in the services. I shall be very happy if they get many more jobs provided they are properly educated.

Shri Rishang Keishing: May I know whether it is a fact that the present Government of Manipur is against any reservation of Government posts for the hill people?

Dr. Katju: There is no question of reservation of posts for hill people. In fact, they have got more posts than their number would warrant.

Mr. Speaker: His question is whether the Government of Manipur is against the idea of reservation?

Dr. Katju: I do not know, Sir. I represent the Manipur Government here.

Shri Rishang Keishing: Will the hon. Home Minister be pleased to make an enquiry?

Dr. Katju: Yes, certainly.

PINE-GROWING AREAS IN MANIPUR

*1080. **Shri Rishang Keishing:** Will the Minister of States be pleased to state:

(a) the total acreage of the pine-growing areas in Manipur;

(b) the proportion of the pine-growing areas in use by the local people;

(c) whether it is under the contemplation of the local Government to start resin industry in Manipur; and

(d) whether Government are aware of the strong apprehension prevalent among the local people against this proposal?

The Minister of Home Affairs and States (Dr. Katju): (a) and (b). The total acreage of pine-growing areas cannot be furnished until the survey and enumeration of pine trees, which are now being taken up, are completed.

(c) Yes.

(d) No.

त्रिपुरा में अराजकता

*१०८२. **श्री रघुनाथ सिंह :** क्या राज्य मंत्री यह बतलाने की कृपा करेंगे कि :

(क) क्या यह सत्य है कि त्रिपुरा के पहाड़ी क्षेत्रों में अराजकता फैलने तथा अपहरण की घटनायें होने के समाचार मिले हैं ; तथा

(ख) यदि मिले हैं, तो इस के कारण क्या हैं तथा सरकार ने इस सम्बन्ध में क्या कोई कार्यवाही की है ?

The Minister of Home Affairs and States (Dr. Katju): (a) and (b). No. A few stray cases of anti-social acts by the members of a particular party have come to the notice of Government and these are under investigation.

श्री रघुनाथ सिंह : क्या हम उन पार्टियों के नाम जान सकते हैं जिन पार्टियों का आप ने हवाला दिया है ?

डा० काटजू : अगर आप को इस के जानने से कुछ मसर्रत हासिल होगी तो जहां तक मुझे मालूम है कम्यूनिस्ट पार्टी का नाम आया है ।

श्री रघुनाथ सिंह : कम्यूनिस्ट पार्टी की तरफ से वहां आतंक की कितनी घटनायें हुई हैं ?

डा० काटजू : इस वक्त ठीक तादाद तो मुझे मालूम नहीं है, लेकिन पहले ज्यादा हुई थी, अब उन का तरीका बेहतर होता जाता है ।

Shrimati Renu Chakravartty: May I know, Sir, how many cases there have been of people who had been arrested being released, because a case could not be brought against them?

Dr. Katju: I really do not know. I should like to have notice of that question, in which case I would be in a position to give precise information.

SEIZURE OF ARMS IN BHOPAL

*1083. **Pandit C. N. Malviya:** Will the Minister of States be pleased to state:

(a) the number of various kinds of arms taken possession of by the Government of Bhopal after integration under the Arms Act from the citizens of Bhopal State;

(b) whether it is a fact that many of the arms taken possession of have been lying under the custody of Government and neither the owners of those arms have yet been given licences on their applications nor have Government returned their arms; and

(c) if so, the reasons therefor?

The Minister of Home Affairs and States (Dr. Katju): (a) 882.

(b) and (c). Persons, not considered fit to be entrusted with arms, were given six months' notice to dispose of their fire-arms to *bona fide* licence-holders. This period expired in September 1953. The arms, which their owners were unable to dispose of, have been forfeited to Government according to Rules.

Shri U. M. Trivedi: May I know, Sir, if it is a fact that District Magistrates of Part B and C States are not allowed to issue licences for the whole of India?

Dr. Katju: May I ask, Mr. Speaker, how this question arises out of the question tabled. That question relates only to Bhopal.

Shri U. M. Trivedi: Bhopal is a Part C State.

GRANT TO EDUCATIONAL INSTITUTION IN ASSAM

*1084. **Shri K. P. Tripathi:** Will the Minister of **Education** be pleased to state:

(a) whether the Central Government make any grant for any educational institution in Assam; and

(b) if so, what is the institution and the amount of grant?

The Deputy Minister of Natural Resources and Scientific Research (Shri K. D. Malaviya): (a) Yes.

(b) The following grants were paid to the Gauhati University during the year 1952-53:—

(i) Rs. 35,000 for its Department of Geology.

(ii) Rs. 8,100 (Rs. 5,600 Recurring and Rs. 2,500 Non-Recurring) for Folklore Research—under the Five Year Plan.

Shri K. P. Tripathi: May I know, Sir, what was the grant applied for and what was the grant sanctioned?

Shri K. D. Malaviya: I do not know about the grant asked for. In regard to the amount actually paid I have given the figure.

Shri K. P. Tripathi: Is it a fact that the Assam University which was established only recently has no proper buildings and is housed in huts, as a result of which the efficiency of the institution is not up to the mark? Will Government make a sufficient grant to provide the necessary buildings?

منسٹر آف ایجوکیشن اینڈ نیچرل ریسورسز اینڈ سائنٹفک ریسرچ (مولانا آزاد) - اس بارے میں آسام کی کوئی درخواست گورنمنٹ کو نہیں ملی ہے -

[**The Minister of Education and Natural Resources and Scientific Research (Maulana Azad):** No application in this respect has been received from the Government of Assam.]

Shri K. P. Tripathi: Is it a fact, Sir, that the subject of anthropology can be taught very well in Assam and will Government be pleased to make a grant so that the subject may be started there?

Shri K. D. Malaviya: It is for them to ask for a grant.

INTEREST ON PUBLIC LOANS

*1085. **Shri K. C. Sodhia:** (a) Will the Minister of **Finance** be pleased to state the rate of interest allowed on loans floated by various State Governments and the reasons for the difference, if any, between these rates?

(b) What is the interest allowed on postal savings or treasury savings certificates to small investors?

(c) What are the reasons for this difference in rates?

The Deputy Minister of Finance (Shri M. C. Shah): (a) The loans floated by the various State Governments during the current year were all at 4 per cent. interest. The issue price, however, differed depending on the local market conditions.

(b) The annual rate of interest on 7-year and 12-year National Savings Certificates held to maturity is 3·57 per cent. and 4·16 per cent. respectively, and that on 10 Year Treasury Savings Deposit Certificates is 3½ per cent.

(c) The main reasons are that the interest on the National Savings and Treasury Savings Deposit Certificates is exempt from income tax, facilities for premature encashment although with reduced interest exist and encashments can be made at fixed and pre-determined prices which are not subject to market fluctuations.

Shri K. C. Sodhia: Is it not the policy of the Government to tap savings in the countryside?

Shri M. C. Shah: We are just trying to have small savings campaigns all through the country.

Shri K. C. Sodhia: Will Government kindly see that the rate of interest allowed for small savings is identical with that allowed in the case of big loans?

Shri M. C. Shah: The rate of interest of the National Savings Certificates is favourable than the rate of interest allowed for loans, taking into consideration the other advantages attached.

Shri T. N. Singh: When State Governments float loans individually, with a view to avoiding any disparity of rates of interest offered, are the Central Government in a position to regulate their floatation?

Shri M. C. Shah: Normally there is no great disparity in the rate of interest offered. Certainly, the Central Government have to sanction the floatation of loans, which they do in consultation with the Reserve Bank.

NAVAL RESEARCH LABORATORIES

*1086. **Shri M. S. Gurupadaswamy:** Will the Minister of **Defence** be pleased to state:

(a) whether Government have established laboratories in Bombay and Cochin for Naval Research;

(b) if so, when they were started; and

(c) whether they are completely manned by Indian technical personnel?

The Minister of Defence Organisation (Shri Tyagi): (a) and (b). Laboratories have been established both at Bombay and Cochin with effect from September 1952 and July 1952 respectively, to undertake research and associated scientific work for the Indian Navy.

(c) The laboratories are manned by Indian technical personnel.

Shri M. S. Gurupadaswamy: May I know, Sir, what is the total amount spent on the establishment of these laboratories?

Shri Tyagi: Sir, the laboratories have neither been fully manned, nor have they been fully equipped. They are in the process of being completed. Nevertheless, they have started their work and more investment has to be made. I have not got the exact figure of the total amount required to be spent.

Shri M. S. Gurupadaswamy: May I know, Sir, whether more laboratories will be started hereafter in other parts of India?

Shri Tyagi: That pertains to future. I am only dealing with the present. There is no scheme just now to start any other laboratory. But if need be it shall be started.

Mr. Speaker: The question-hour is over.

Short Notice Question and Answer

AIR ACCIDENT NEAR NAGPUR

S.N.Q. 7. Pandit D. N. Tiwary: Will the Minister of **Communications** be pleased to state:

(a) whether it is a fact that a Madras-bound night plane crashed

near Nagpur on the night of 11th December, 1953;

(b) the number of passengers, pilots and other employees travelling therein;

(c) the number of deaths;

(d) the reason of the crash; and

(e) the loss sustained by Government and by the public?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Yes, Sir. The accident occurred at 03-26 hours on the 12th December, 1953.

(b) Four Members of the crew and 10 passengers.

(c) 13.

(d) and (e). The Government have appointed a Court of Enquiry to hold an investigation into the accident and the cause of the crash and the extent of loss will be known after the Court has held its investigation and drawn its conclusions.

Pandit D. N. Tiwary: May I know whether the plane was duly examined when it took off from Nagpur?

Shri Raj Bahadur: It obtained its certificate of daily inspection at Bombay at 22 hours the same night.

Pandit D. N. Tiwary: Is there any truth in the statement that the pilot was over-drunk?

Shri Raj Bahadur: No, Sir. No such report has come to us. As a matter of fact, this question, if at all it arises, shall be examined by the Court of Enquiry.

Shri N. C. Chatterjee: Has the pilot made any statement and, if so, what according to him is the cause of the accident?

Shri Raj Bahadur: The statement will be recorded by the Court of Enquiry which has been duly appointed already.

Shri N. C. Chatterjee: Do I take it that no statement has yet been taken from the pilot?

Shri Raj Bahadur: No statement has yet been taken by the Court of Enquiry.

Shri Kasliwal: How many Dakotas of this type which crashed are in service today?

Shri Raj Bahadur: About seventy Dakotas are in service today.

Dr. Ram Subhag Singh: The hon. Minister stated that the statement will be taken by the Court of Enquiry. May I know whether the officers who went to Nagpur on that day went simply to see the site or to ask for certain information?

Shri Raj Bahadur: Such accidents are enquired into by a regular Court of Enquiry under the rules, and no person other than that Court is entitled to take such statements. And even if people put informal questions or elicit any information it cannot be taken cognizance of because that might pre-judge the issue or amount to a contempt of the Court which has been duly appointed.

Shri Joachim Alva: Is it true that every pilot has to undergo a test once in three months, the test being that he goes up with one engine off, and that this pilot had not undergone this test for the last three months for one reason or another; and if this test is not put into action, will Government see that the officers who are responsible for this are punished or jailed?

Mr. Speaker: The hon. Member assumes certain things and makes suggestions. His enquiry is whether the particular pilot had not undergone the test.

Shri Joachim Alva: He can answer the first part.

Shri Raj Bahadur: No such allegation has yet been made to us about that particular pilot. If any such statement is made it will be duly enquired into.

श्री रघुनाथ सिंह : क्या हम कोर्ट आफ़ इन्क्वायरी के मैम्बरों का नाम जान सकते हैं, जिसको काम दिया गया है ?

Shri Raj Bahadur: (1) Shri N. S. Lokur, Chairman, Railway Rates Tribunal and Chairman, Air Transport Licensing Board, (2) Shri M. G. Pradhan, Deputy Director-General, Civil Aviation, and (3) Capt. K. Viswanath of Air India International. The first is the court and the other two are assessors.

Shrimati Renu Chakravartty: May I know the age of the Dakota and the number of flying hours it has done?

Shri Raj Bahadur: As a matter of fact the number of hours are attributable to the engine, which it has already completed. Since the last C.F.A. overhaul the left engine has done 434 hours and the right engine 256 hours.

श्री राधेलाल व्यास : मैं यह जानना चाहता हूं कि क्या अभी तक कोर्ट आफ़ इन्क्वायरी ने काम शुरू नहीं किया और अगर शुरू नहीं किया तो कब से शुरू करने जा रही है ?

श्री राज बहादुर : कोर्ट आफ़ इन्क्वायरी की घोषणा कल की गयी है और वह तुरन्त अपना काम आरम्भ कर देगी ।

Mr. Speaker: I think the matters may now be left to the Court of Enquiry.

WRITTEN ANSWERS TO QUESTIONS

District Sailors', Soldiers' and Airmen's Boards

***1059. Shri Punnoose:** (a) Will the Minister of **Defence** be pleased to state whether it is a fact that the staff of the District Sailors', Soldiers' and Airmen's Boards in Uttar Pradesh have not been paid their dues for the years 1950-51 and 1951-52?

(b) Is it a fact that no increments have been granted to the Secretaries of District Sailors', Soldiers' and Airmen's Boards in Uttar Pradesh for the last six years?

(c) If so, what are the reasons for the inordinate delay in the payment of arrears of pay and increments?

The Minister of Defence Organisation (Shri Tyagi): (a) The staff of the D.S.S. & A. Boards in Uttar Pradesh have not been paid for three months of the financial year 1951-52 and for another three months of the financial year 1952-53.

(b) Yes.

(c) The expenditure on Boards is normally shared equally by the Centre and by the State Government. The Centre has paid its full share but the U.P. Government has not been able to defray more than a quarter of the total expenditure for financial reasons. The U.P. Government is of the view that the remaining quarter should be met from the U.P. Post War Services Reconstruction Fund, but the Trustees of that Fund regard this expenditure as *ultra vires* of the objects of the Fund. The matter is still under consideration.

Wynad Colony for *Ex*-Servicemen

***1060. Shri Punnoose:** (a) Will the Minister of **Defence** be pleased to state how many *ex*-servicemen were originally settled in the Wynad *Ex*-servicemen's colony in Madras State?

(b) How many of them have since left the colony?

(c) What are the reasons for their leaving the colony?

(d) What is the total amount spent by Government on the colony during the last five years and what is the amount spent on the administrative expenses?

The Deputy Minister of Defence (Shri Satish Chandra): (a) 1,747.

(b) 300.

(c) The main reasons are:—

(i) Insufficient experience in agricultural operations in mountainous terrain.

(ii) Inability to adapt themselves to the climatic conditions and rigours of life in the area.

(d) the total amount spent by the Madras Government is Rs. 26,58,942/6/3 including Rs. 10,73,419/6/- on administrative expenses. In addition Rs. 28,25,745/9/6 have been spent from the Madras State Post-War Reconstruction Fund.

POLITICAL PENSIONS

***1061. Shri M. R. Krishna:** Will the Minister of **States** be pleased to state the amount of political pensions paid to the former ruling families such as (i) Carnatic Stipends; (ii) Malabar Malikhana; and (iii) pensions of Deshmukhs and Deshpandes of Berar?

The Minister of Home Affairs and States (Dr. Katju): (i) Rs. 1,75,500 (approximate) per annum.

(ii) Rs. 2,94,000 (approximate) per annum

(iii) Rs. 1,82,000 per annum.

ARMY MEDICAL CORPS

***1063. Shri A. K. Gopalan:** (a) Will the Minister of **Defence** be pleased to state whether it is a fact that in the matter of granting Regular Commissions and pensions, the same rules are not applied in the case of Medical Licentiates and Degree-holders, working in the Army Medical Corps?

(b) What is the number of Medical Licentiates who have been granted Regular Commissions during 1951-52 and 1952-53 as against Degree-holders?

(c) What is the total strength of medical licentiates in the Army Medical Corps?

The Deputy Minister of Defence (Shri Satish Chandra): (a) Officers with recognised Degree qualifications only are eligible to apply for a Permanent Regular Commission in the A.M.C.; but Licentiates who possess qualifications recognised by the Indian Medical Council as equal to recognised Degree qualifications are also eligible. Such Licentiates who apply for a P.R.C. are interviewed by the Permanent Selection Board along with Degree-holders without any discrimination as between the two.

In the matter of pensionary rules, no distinction is made on the ground that a person is a Licentiate and not a Degree-holder.

(b) No medical Licentiate has been granted a P.R.C. in the A.M.C. during the years 1951-52 and 1952-53, as they were not considered suitable by the Selection Board. During the same period 41 Degree-holders were granted P.R.C.

(c) The total strength of Medical Licentiates employed in the A.M.C. at present is 85, composed of—

68 E.C. Officers whose qualifications are not recognised under the Indian Medical Council Act, 1933; and 17 S.S.R.C. Officers whose qualifications are recognised under the Indian Medical Council Act.

LAPSES IN LIFE INSURANCE POLICIES

***1064. Shri H. N. Mukerjee:** Will the Minister of **Finance** be pleased to state:

(a) the ratio of lapses in life insurance policies in the case of business in India written by the Indian Companies during 1952; and

(b) the ratio of lapses in life insurance policies in the case of business in India written by the British companies during the same period?

The Minister of Finance (Shri C. D. Deshmukh): (a) and (b). As the accounts returns for 1952 were due for submission by insurers only by the 30th September, 1953, and since certain insurers submit their returns late to the Department of Insurance, the ratios for lapses in 1952 are not yet available.

TECHNICAL PERSONNEL

***1065. Shri L. N. Mishra:** (a) Will the Minister of **Natural Resources and Scientific Research** be pleased to state whether after the compilation of the National Register of scientific and technical personnel of India, Government have taken any steps to utilise the Indian technical personnel available in the country?

(b) If so, how many of them have so far been employed and where?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) and (b). A statement giving the required information is laid on the Table of the House. [*See* Appendix V, annexure No. 5.]

REGULATION AND CONTROL OF CONTRACTS

***1074. Shri Jhunjhunwala:** (a) Will the Minister of **Finance** be pleased to state whether Government propose to bring in a Bill for the Regulation and Control of Contracts in Securities?

(b) If so, when?

The Deputy Minister of Finance (Shri A. C. Guha): (a) Yes, Sir.

(b) As soon as possible.

EXEMPTIONS TO INSURANCE COMPANIES

***1078. Shri Bahadur Singh:** Will the Minister of **Finance** be pleased to state:

(a) whether Government have decided to exempt on a permanent basis certain insurance companies doing general insurance business under Section 64 of the Insurance Act, 1938;

(b) if not, the considerations which impel Government repeatedly to extend the temporary exemptions granted so far; and

(c) whether any cases have been brought to the notice of Government where such exemptions have been misused by certain companies by resorting to various malpractices, such as mutual rate cutting?

The Minister of Finance (Shri C. D. Deshmukh): (a) No, Sir.

(b) The temporary exemptions have been extended merely because a decision on a long-term basis has not been reached so far.

(c) No, Sir; but allegations about certain malpractices resorted to by some non-tariff insurance companies have been made by the tariff insurance companies.

HINDUSTAN AIRCRAFT LTD.

***1081. Shri Nambiar:** Will the Minister of **Defence** be pleased to state:

(a) whether the Board of Directors of the Hindustan Aircraft Ltd., are nominated by the Government of India and the Mysore State;

(b) whether the General Manager of the Hindustan Aircraft Ltd. is appointed by the Board of Directors on the approval of the Government of India; and

(c) whether the main work of the Factory is of the Defence Ministry?

The Deputy Minister of Defence (Shri Satish Chandra): (a) to (c). Yes, Sir.

RE-CATEGORISATION OF MEDICAL STORES

***1087. Shri K. Subrahmanyam:** Will the Minister of **Defence** be pleased to state what has been the effect of the recategorisation of imported medical stores as indigenous items on the expenditure incurred thereon?

The Deputy Minister of Defence (Shri Satish Chandra): Owing to large accumulations of war time surpluses in many of the items of medical stores reclassified as 'indigenous' instead of 'imported', only a very restricted demand could be placed for these items during the past two years and, therefore, there has been only an insignificant saving of foreign exchange so far owing to the reclassification. Till such time as the surpluses are exhausted and full scale demands become necessary, it will not be possible to assess the full effect of the reclassification on the expenditure in the procurement of these stores.

CIVILIAN POSTS IN ARMED FORCES

***1088. Shri K. Subrahmanyam:** Will the Minister of **Defence** be pleased to state:

(a) the number of civilian posts in Armed Forces which were classified as permanent during the year 1952-53;

(b) the number of temporary civil employees in the Armed Forces; and

(c) how many of the temporary civil employees have served the Department more than a year?

The Deputy Minister of Defence (Shri Satish Chandra): (a) to (c). The information is being collected and will be laid on the Table of the House as soon as possible.

BUDGET GRANTS IN HIMACHAL PRADESH

***1089. Dr. Ram Subhag Singh:** (a) Will the Minister of **States** be pleased to state whether the attention of Government has been drawn to a statement of the Chief Minister of Himachal Pradesh published in the 'Statesman' of Delhi of the 22nd November, 1953, which says that Budget grants totalling Rs. 30 lakhs lapsed last year in Himachal Pradesh and a similar amount would lapse this year because every project, proposal or scheme had to be submitted to the Centre for approval not once but repeatedly?

(b) If so, do Government propose to take steps to eliminate such delays?

The Minister of Home Affairs and States (Dr. Katju): (a) Yes.

(b) The Government of India are fully alive to the need for expeditious consideration of proposals from Part C States and appropriate directions have been issued in the matter. The State Governments have also been requested to complete all necessary investigations and other preliminaries before arranging budget provision for schemes.

NETHERLANDS TRADING SOCIETY

***1090. { Shri Gidwani: / Shri Jethalal Joshi:**

(a) Will the Minister of **Finance** be pleased to state whether the attention of Government has been drawn to a report in the press that a British Bank has decided to extend its operations to India by taking over the branches of the Netherlands Trading Society in India?

(b) Has any application been made to the Reserve Bank of India for the grant of such a license?

The Deputy Minister of Finance (Shri A. C. Guha): (a) Yes, Sir.

(b) Yes, Sir. Licences have been issued to the Bank by the Reserve Bank of India to commence banking business in India and also to open a branch each at Bombay and Calcutta.

JAGIRS TO *Ex*-SERVICEMEN

***1091. Shri Sanganna:** Will the Minister of **Defence** be pleased to state:

(a) whether it is a fact that the Governments of Punjab and PEPSU have sanctioned schemes to award 'Jagirs' to persons whose three or more sons/daughters were enrolled or commissioned in the Armed Forces in the Second World War; and

(b) if so, what provision has been made for parents who sent less than three of their sons/daughters to the Armed Forces?

The Deputy Minister of Defence (Shri Satish Chandra): (a) Yes, in the shape of cash awards.

(b) None, The provision, if any, is to be made by State Governments.

SOLDIERS

*1092. **Shri Bhakta Darshan:** Will the Minister of **Defence** be pleased to state:

(a) whether any increase in the emoluments of soldiers while in reserve is being considered;

(b) if so, to what extent; and

(c) what steps are being taken for providing soldiers who are sent in reserve with suitable alternative employments in civilian departments?

The Deputy Minister of Defence (Shri Satish Chandra): (a) and (b). The question of increasing the existing rates of reserve pay is under consideration.

(c) The State Governments have been asked to give preference to ex-servicemen in filling up appointments in Police, Excise, Customs, Watch and Ward, Forest and in other Departments where military training is a special qualification, and also those under the control of the Community Projects Administration.

I. A. S. AND I. P. S. OFFICERS

*1093. **Shri K. C. Sodhia:** (a) Will the Minister of **Home Affairs** be pleased to state the total number of persons selected for the I.A.S. and I.P.S. during 1952 and 1953?

(b) How many of them were allotted to States other than their own?

(c) Were there any representations against such allotment either by the officers concerned or the State Governments and with what results?

The Minister of Home Affairs and States (Dr. Katju):

	1952	1953	Total
(a) I.A.S.	60 (including 22 Emergency recruits).	32	92
I.P.S.	69 (including 31 Emergency recruits).	37	106
(b) I.A.S.	...		65 (including 18 Emergency recruits).
I.P.S.	...		41 (including 26 Emergency recruits).

(c) Five representations against such allotments were received from the officers concerned. Two of these were against being allotted to States other than their own. The remaining three expressed preference for States other than those to which the officers had been allotted. Four of these representations have been rejected and the fifth one is under consideration.

The allotments are made in consultation with the State Governments. The question, therefore, of the State Governments representing against the allotments does not arise.

संघ लोक सेवा आयोग

*१०९४. श्री रघुवमन सिंह : क्या गृह-कार्य मंत्री यह बतलाने की कृपा करेंगे कि :

(क) क्या सरकार को इस बात की जानकारी है कि संघ लोक सेवा आयोग द्वारा विज्ञापित बहुत से पदों के लिये इन्टरव्यू इनके विज्ञापित होने के डेढ़ दो वर्ष बाद हुआ करता है, तथा कुछ मामलों में इन्टरव्यू के बाद भी रिक्त स्थान पुर नहीं किये जाते हैं; तथा

(ख) यदि है, तो स्थिति में सुधार करने के लिये क्या कार्यवाही की गई है ?

The Minister of Home Affairs and States (Dr. Katju): (a) and (b). Government are not aware of any such cases. Information has, however, been sought from the Union Public Service Commission whose reply is awaited. Government have full confidence that the Commission will do everything in their power to expedite the process of recruitment for posts which are advertised.

युद्धोपकरण डिपो, गुड़गांव

*१०९५. डा० सत्यवादी : क्या रक्षा मंत्री यह बतलाने की कृपा करेंगे कि :

(क) युद्धोपकरण डिपो, गुड़गांव में स्थायी तथा अस्थायी कमकरों की संख्या क्या है ;

(ख) इन में से अनुसूचित जातियों से सम्बन्ध रखने वाले कामकर कितने हैं ;

(ग) क्या यह सत्य है कि इस महीने के आरम्भ में इस डिपो में छटनी हुई है ; तथा

(घ) अनुसूचित जातियों से सम्बन्ध रखने वाले छटे हुए कामकरों की संख्या क्या है ?

The Deputy Minister of Defence (Shri Satish Chandra): (a) (i) Permanent—Nil.

(ii) Temporary—496.

(b) 30.

(c) Yes.

(d) 10.

Arrests in Tripura

480. Shri Dasaratha Deb: (a) Will the Minister of **States** be pleased to state the total number of persons arrested by police in 1952 and 1953 in Tripura?

(b) How many of them were given charge-sheet and how many of them are yet to be charge-sheeted?

(c) What is the number of persons (separately) (i) who have already been convicted, (ii) whose cases are still pending, (iii) who have been acquitted and (iv) whose cases have otherwise been disposed of in courts?

(d) How many of the arrests were due to land disputes?

(e) How many of the arrests were for political offences and how many for other criminal offences?

The Minister of Home Affairs and States (Dr. Katju): (a) 3,249.

(b) Charge sheets have been framed against 1,926 persons and 167 persons are yet to be charge-sheeted.

(c) The information is being collected.

(d) 765 persons.

(e) 72 persons were arrested in connection with political offences and 2,412 persons were arrested on account of criminal offences.

Lawrence School, Lovedale

481. Shri N. M. Lingam: (a) Will the Minister of **Education** be pleased to state when the Lawrence School, Lovedale was handed over by the Government of India to an autonomous body?

(b) What is the constitution of the autonomous body?

(c) Has the constitution been amended at any time after it was first framed?

(d) If so, when and in what respects?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) 1st September, 1952.

(b) The Board of Administration consists of the following members:

(i) The Secretary to the Government of India, Ministry of Education, *Chairman.*

(ii) The Secretary to the Government of India, Ministry of Finance, *Treasurer*.

(iii) The Secretary to the Government of India, Ministry of Defence, and

(iv) Four other members, nominated by the Government of India.

(c) No, Sir.

(d) Does not arise.

INDIAN NATIONAL COMMISSION FOR CO-OPERATION WITH UNESCO

482. Shri S. N. Das: Will the Minister of **Education** be pleased to state:

(a) whether the question of according Associate Memberships of the Indian National Commission for co-operation with UNESCO to important organisations in languages and important Film Societies, has been considered and decisions taken thereon; and

(b) if so, which of the Languages Organisations have so far been accepted as Associate Members?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) Yes.

(b) A statement is placed on the Table of the House. [*See* Appendix V, annexure No. 6.]

NATIONAL FESTIVALS

483. Shri Radha Raman: (a) Will the Minister of **Home Affairs** be pleased to state how many national festivals are celebrated in India every year?

(b) How much is spent on each of these festivals by the Central Government?

The Deputy Minister of Home Affairs and States (Shri Datar): (a) Three national festivals are celebrated every year *viz.* Republic Day, Independence Day and Mahatma Gandhi's Birthday.

(b) Expenditure incurred during the year 1953 is as follows:—

1. Republic Day—Rs. 1,65,811-14-3.
2. Independence Day—Rs. 12,096-15-0.
3. Mahatma Gandhi's Birthday—Rs. 300-0-0.

AUDITOR FIRMS OF RESERVE BANK

484. Dr. M. M. Das: Will the Minister of **Finance** be pleased to state:

(a) the amount of annual fees that the Reserve Bank has to pay to each of its three Auditor firms; and

(b) whether the Comptroller and Auditor-General is consulted regarding the appointment of Auditors?

The Deputy Minister of Finance (Shri A. C. Guha): (a) Rs. 7,500 each.

(b) No, Sir.

DEVELOPMENT OF NAVAL DOCKYARD, BOMBAY

485. Shri Nanadas: Will the Minister of **Defence** be pleased to state what is the progress made so far in the development of the Naval dockyard in Bombay?

The Minister of Defence Organisation (Shri Tyagi): It is proposed to develop the Naval Dockyard in five stages spread over the next fifteen years. The first stage, which it is hoped to commence very shortly and to complete in 1958, consists of reclaiming some land and building new wharves and a new dry dock in the area enclosed by the Ballard Pier and the existing Dockyard.

A number of tenders have been received for the construction work of the first stage and these are being examined by the Government.

'PART PAYMENT' WHEAT STOCKS

486. Sardar Hukam Singh: (a) Will the Minister of **States** be pleased to state the quantity of 'Part Payment' wheat stored with the Government of PEPSU on the date of abolition of the Civil Supplies Department in PEPSU?

(b) What is the number and names of places where these grains are stored?

(c) What is the value of these stocks?

(d) Has any training been given to the present officers entrusted with the duties of preservation and safe custody of these stocks?

The Minister of Home Affairs and States (Dr. Katju): (a) Approximately 7,86,056 maunds.

(b) A statement is laid on the Table of the House. [*See* Appendix V, annexure No. 7.]

(c) Approximately Rs. 94,32,670.

(d) Yes.

FINES REALISED IN S. P. E. CASES

487. Shri M. S. Gurupadaswamy: Will the Minister of **Home Affairs** be pleased to state the total amount of fines realised in the Special Police Establishment cases, year-wise since 1947?

The Minister of Home Affairs and States (Dr. Katju): I place a statement on the Table of the House showing fines imposed in cases prosecuted by the Special Police Establishment since 1947. [*See* Appendix V, annexure No. 8.]

Government have no information as to how much of these amounts was actually realised. "Administration of Justice" is a State subject, and these fines are credited to State revenues.

PAKISTAN SECURITIES (SALE)

488. Sardar Hukam Singh: (a) Will the Minister of **Finance** be pleased to state the amount of Pakistan Securities with complete details which the Reserve Bank of India sold in the market from the 17th September, 1949 to the 30th September, 1953?

(b) To whom, when and at what rates were these sold?

(c) Were these securities exported to Pakistan by the purchasers?

(d) If so, how was the price received in India?

The Deputy Minister of Finance (Shri M. C. Shah): (a) to (d). The market operations of the Reserve Bank of India are confidential and cannot be divulged.

NUTRITIOUS BEVERAGE FROM CASHEW FRUIT

489. Shri C. R. Iyyunni: Will the Minister of **Natural Resources and Scientific Research** be pleased to state whether a wholesome and nutritious beverage has been manufactured from the juice of the Cashew fruit in the Central Food Research Centre in Mysore State?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): Yes, Sir.

फाऊंटेनपेनों तथा घड़ियों का चोरी छिपे आयात

४९०. श्री रघुनाथ सिंह : क्या वित्त मंत्री यह बतलाने की कृपा करेंगे कि :

(क) क्या बम्बई के कस्टम अधिकारियों नें नवम्बर, १९५३ के पहले सप्ताह में केवल बम्बई के बाजारों में एक लाख फाऊंटेनपेन तथा ४०० "स्विस-मेड" घड़ियां बरामद की हैं ;

(ख) क्या यह घड़ियां चोरी छिपे भारत में लाई गई थीं ;

(ग) क्या भारत की अन्य बन्दरगाहों से भी इसी तरह का माल बरामद किय गया है ; तथा

(घ) क्या इस वर्ष की गत तिमाही में चोरी छिपे माल लाने की घटनाओं दें तुलनात्मक रूप से वृद्धि हुई है ?

The Deputy Minister of Finance (Shri A. C. Guha): (a) During the first week of November 1953, about 55 thousand fountain pens and six cases of pen parts collectively of the value of Rs. one lakh and 389 watches of the value of Rs. 15,000 were seized.

(b) The seized watches are believed to have been smuggled.

(c) Smuggled watches have been seized by Customs authorities at Madras, Cochin, Calcutta and other places as well, besides Bombay.

(d) Except at Bombay, the number of cases of such smuggling is believed to be generally on the decline.

TERMINAL TAX

491. Shri S. C. Samanta: (a) Will the Minister of **Finance** be pleased to state the terminal tax collected in the year 1952-53?

(b) How much of it came from Railways?

(c) What was the establishment cost during this period?

The Minister of Finance (Shri C. D. Deshmukh): (a) to (c). The information has to be collected from the various State Governments and Railway Administrations. A statement will be laid on the Table when this has been done.

CENTRAL SOCIAL WELFARE BOARD

492. Shri Veeraswamy: (a) Will the Minister of **Education** be pleased to state whether it is a fact that the Central Social Welfare Board met in New Delhi recently?

(b) If so, what were the subjects discussed at that meeting?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) Yes.

(b) The main item on the Agenda was the consideration of the applications received for grant-in-aid.

ADVANCES TO FOREIGN GOVERNMENTS

493. Shri K. C. Sodhia: Will the Minister of **Finance** be pleased to state the names of foreign Governments, if any, to whom advances have been given during the year 1953-54 and the amount for each?

The Deputy Minister of Finance (Shri M. C. Shah): No foreign government has been given any advance so far in 1953-54.

SPECIAL PLANES FOR PRESIDENT AND MINISTERS

494. { Shri Gidwani: / Shri R. N. Singh:

(a) Will the Minister of **Defence** be pleased to state whether it is a fact that orders have been placed for the purchase of two special planes, one for the President and another for the Ministers and officers?

(b) Is it a fact that the plane which is intended for the use of Ministers and Government officials will be equipped with forty seats?

(c) If so, what will be the cost of the two planes?

The Minister of Defence Organisation (Shri Tyagi): (a) Two Vickers Viscount have been ordered to replace the dakotas in the V.I.P. (Very Important Personnel) flight of the Air Headquarters Communications Squadron. They are for use by the President, the Prime Minister and other V.I.P's.

(b) One aircraft will be of standard version with 40 seats and the other will be modified to meet V.I.P. requirements.

(c) (i) Cost of one aircraft (Standard Type)—Rs. 31·53 lakhs.

(ii) Cost of one aircraft modified to V.I.P. requirements—Rs. 32:20 lakhs.

TRANSLATION OF LABOUR LEGISLATIONS

495. Shri T. B. Vittal Rao: Will the Minister of **Law** be pleased to state;

(a) whether there is a proposal to translate the various labour legislations in Regional languages;

(b) whether Government propose to translate the Mines Act, 1952 into Telugu; and

(c) whether the Singareni Colliery Workers' Union have demanded publication of the Mines Act in Telugu?

The Minister of Law and Minority Affairs (Shri Biswas): (a) Yes. All important Central Acts including labour legislation are being translated into Hindi by the Central Government, and State Governments have been requested to undertake the work of translation of these Acts into their respective languages.

(b) Yes, the Government of Andhra has been requested to take up the work.

(c) No.

विन्ध्य प्रदेश में खनिज पदार्थ

४९६. **श्री रघुवर्मन सिंह :** क्या प्राकृतिक संसाधन तथा वैज्ञानिक अनुसन्धान मंत्री यह बतलाने की कृपा करेंगे कि :

(क) क्या केन्द्रीय सरकार को विन्ध्य प्रदेश के उन जिलों के सम्बन्ध में कोई जानकारी प्राप्त हुई है जिन में कि बहुमूल्य खनिज पदार्थ पाये जाते हैं ; तथा

(ख) यदि हुई है, तो इन स्थानों के नाम क्या हैं ?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) Yes, Sir.

(b) Majhgawan, Ramkheria, Akla, Hatupur, Seha, Saligpur, Laxmanpur in Panna District.

National Cadet Corps

497. Shri Ganpati Ram: Will the Minister of **Defence** be pleased to state:

(a) the total number of National Cadet Corps trained in all the educational institutions in the State of U.P. from 1950:

(b) the total amount of expenditure incurred in their training every year since 1950 onwards; and

(c) whether Government are contemplating to absorb the trained cadets in the national militia?

The Deputy Minister of Defence (Shri Satish Chandra): (a) 5,797. In addition, about 7,750 cadets are at present under training in U.P.

(b) The approximate total expenditure incurred on N.C.C. training in U.P. since 1950 is as under:—

Year	Expenditure
	Rs.
1950-51	15,22,920
1951-52	17,02,420
1952-53	21,31,200
Total:	53,56,540

(c) Trained cadets of the N.C.C. are encouraged to join the various branches of the Defence Services including the Territorial Army.

Vacancies in Legislatures and Parliament

498. Th. Lakshman Singh Charak: (a) Will the Minister of **Law** be pleased to state how many Members of the Parliament and the Legislative Assemblies of the States have been unseated so far by Election Tribunals?

(b) What were the reasons of their disqualification given by the Tribunals?

(c) How many cases have been dealt with by the Supreme Court?

The Minister of Law and Minority Affairs (Shri Biswas): (a) 7 Members of the Parliament and 127 members of the Legislative Assemblies have so far been unseated by Election Tribunals.

(b) The grounds on which the elections of these members have been set aside are improper rejection of nominations, improper acceptance of nominations, corrupt and illegal practices, non-compliance with statutory provisions in the conduct of elections and elected candidates found disqualified on account of office of profit or contract with Government.

(c) Petitions have been filed in the Supreme Court against the orders passed by Election Tribunals in respect of 1 Parliamentary election and 12 Assembly elections, and these are still pending in that Court.

THE

PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

HOUSE OF THE PEOPLE

Thursday, 17th December, 1953.

The House met at Half Past One of the Clock.

[MR. SPEAKER *in the Chair*]

QUESTIONS AND ANSWERS

(See Part I)

2-35 P.M.

BUSINESS OF THE HOUSE

The Prime Minister and Minister of External Affairs and Defence (Shri Jawaharlal Nehru): Sir, I should like to say a few words about the course of work for the next week. It has been decided that the House might adjourn on the 24th December. Therefore we have to finish such work as is outstanding—that is such important work—by that date. We have, leaving out Saturdays and Sundays, five days only, leaving out today also. I think it will be necessary, if you agree, Sir, to sit on Saturday also in order to try to get through this work.

I am reading out the items in the order in which they would be taken up in this House:—

(1) The Special Marriage Bill which is under discussion at present.

(2) Discussion on the Report of the Commissioner for Scheduled Castes and Tribes.

(3) Supplementary Demands.

(4) The Salt Cess Bill.

(5) Discussion on the Preventive Detention Act of 1950.

(6) The prevention of Disqualification (Parliament and Part C States Legislatures) Bill.

(7) Debate on Foreign Affairs.

(8) Motion in regard to the Public Accounts Committee.

Now, these will be taken in that order, unless something happens when the order might be varied somewhat. But I suggest that in any event the debate on Foreign Affairs should be definitely fixed for the 23rd of this month, and should take the whole day.

An Hon. Member: Two days.

Shri Jawaharlal Nehru: One day. For the rest, it depends upon how far other matters have been disposed of previously. They can go on up to the 24th, those that are not disposed of.

Mr. Speaker: In view of what the hon. the Leader of the House has suggested, I think I should fix Saturday, the 19th as a working day. That means we will get one day more.

Dr. Lanka Sundaram (Visakhapatnam): Sir, may I draw your attention to one important point? The hon. the Leader of the House has announced the business for the Session. It does not contain any reference to one of the Bills pending before this honourable House, namely, the Press (Objectionable Matter) Amendment Bill. This particular Bill was introduced in

[Dr. Lanka Sundaram]

this honourable House on the 15th of this month. The Act will expire on the 31st January, 1954. (*Interruption*). Sir, I am referring to a very important point.

Mr. Speaker: Let him finish. Let there be no talk.

Dr. Lanka Sundaram: Sir, there are two points arising out of this. I would like to know from the hon. the Leader of the House whether he would convene the House sufficiently earlier than the 31st January 1954 to get this Bill through, to send it to the other place, and eventually to send it to the President, or whether it is the intention of Government to issue an Ordinance in view of the impending expiry of this Act. You will recall, Sir, that I raised this ordinances question on the 16th of last month, rather in detail. You will also recall, Sir, that in between the last session and the current session Six Bills were pushed through as Ordinances, though two of them were pending before the House. I seek your protection for this House, Sir, in getting an assurance from the hon. the Leader of the House that this Bill will in no case be pushed through as an Ordinance, because I understand that the House will not meet before the 31st January.

Shri Gadgil (Poona Central): If the press behaves well, nothing will be done.

Shri Jawaharlal Nehru: Sir, I am afraid it is rather difficult for me to reply to this because my colleague the Home Minister is in charge of this matter. All I can say is that we will gladly take this up in this session, but for lack of time we have to choose the important matters. I do not think it is possible or likely that this House will meet—the next session I mean—in January. We have to meet later. If you like, Sir, I shall inform my colleague the Home Minister about this matter.

Mr. Speaker: I think the matter may be considered and the hon. the Leader of the House may say whatever he has to say, tomorrow.

Shri Jawaharlal Nehru: Or the Home Minister, maybe.

Mr. Speaker: Anybody on behalf of Government.

Shrimati Renu Chakravartty (Basirhat): May I seek information on a point, Sir? There is a very important Bill which has been pending before the House, the Minimum Wages (Amendment) Bill. We would like to know from the Leader of the House whether he proposes to continue with the discussion of that Bill, and if so, on what date, or whether it is to be kept pending for the next session.

Shri Jawaharlal Nehru: There are a number of very important Bills. I am really very sorry that they cannot be proceeded with, but I have given as much material for this House as it is likely to finish during this session; otherwise, they will go to the next session.

Shrimati Renu Chakravartty: It is already under discussion, in the consideration stage.

Mr. Speaker: The business as he has placed before the House is considered very important and urgent and has to be put through. The first question raised by Dr. Lanka Sundaram had a point in it, as to whether the Government are likely to issue an Ordinance because the Act expires before the House meets next time. There is no such thing in the Bill which the hon. Member is now pressing for. Let the situation be considered by the Cabinet, and the Home Minister, as he has promised, will make a statement as to what they propose to do. (*Interruptions.*)

Dr. Lanka Sundaram: May I seek your indulgence for a moment, Sir? Does the statement of the Leader of the House include a two-day debate on the Preventive Detention Act as decided upon and announced by you in this House?

Mr. Speaker: That all depends, I think, on the time that is left after the consideration of the other Bills which he has placed on other matters. If the House is anxious, then it should curtail the discussion on other matters. But if it wants to have a full discussion on other matters, obviously things cannot be finished before the 24th. It is a matter entirely in the hands of the House. If the House wants a two-day debate, it can curtail other debates. But if debates are prolonged, then the matter will not be considered. There is no use taking up more time over this. Let us go straight to the other business.

Shrimati Renu Chakravartty: It is not a question of prolonging anything. After all, the debate on the report of the Commissioner for Scheduled Castes and Scheduled Tribes must take one day. There are no other Bills except the Part C States Bill and the Salt Cess Bill. So it is not a question of our taking up more time, as the time that you allot for it.

Mr. Speaker: The Report on Scheduled Castes will be discussed for one day...

Shri Jawaharlal Nehru: So far as Government are concerned, we shall be happy if we can have a two-day debate within this period. There are other matters also. The House will notice that there are the Supplementary Demands and the Salt Cess Bill. These have to be passed by us and by the Council of States before the 24th. So we have to take them. There are other matters like the Prevention of Disqualification Bill. So there is not much time and we have put the least possible things.

Dr. Lanka Sundaram: May I know, Sir, whether in addition to Saturday, we can sit for two days in the mornings also?

Some Hon. Members: No, no.

Mr. Speaker: It will be considered later. I am not in favour of extending the period like that. It seems when the hon. Member makes a suggestion for longer sittings, he absolutely ignores the pressure and the fatigue to which not only the Members most of them—but also the staff of the Parliament Secretariat is put. One has to take that into consideration. My own feeling has been that sitting longer hours does not really bring out best results, as the quality of work suffers. That is my own feeling.

Hon. Members: Yes, yes.

Mr. Speaker: The House will do whatever it likes. I am only expressing what I feel in this matter.

Shri Raghavaiah (Ongole): May I raise the question.....

Mr. Speaker: Order, order. I am not going to allow that Member.....

Shri Raghavaiah: The Minimum Wages Act has been in existence from 1948 to 1953. Now at least.....

Mr. Speaker: Whatever it may be, (*Interruptions*). Order, order. The hon. Member will resume his seat. That is not the way of carrying on a discussion or debate. I can understand any hon. Member's sentiments and feelings on a particular matter. But then, he has to take an over-all picture and he has to convince the House. I cannot force Members to finish a Bill or take up a Bill. It is for them to decide. He can induce them; he has many opportunities of discussing with them in the Lobby or elsewhere to see that a particular Bill is taken up, if possible.

Shri Raghavaiah: My point is.....

Mr. Speaker: I know the point.....

Shri Raghavaiah: May I request you.....

Pandit Balkrishna Sharma (Kanpur Distt. South *cum* Etawah Distt. —East): Order, order, (*Interruptions*).

Mr. Speaker: Order, order. Let that be left to the Chair.

MESSAGE FROM THE COUNCIL OF STATES

Secretary: Sir, I have to report the following message received from the Secretary of the Council of States:—

"In accordance with the provisions of rule 125 of the Rules of Procedure and Conduct of Business in the Council of States, I am directed to inform the House of the People that the Council of States, at its sitting held on the 15th December, 1953, agreed without any amendment to the Banking Companies (Amendment) Bill, 1953, which was passed by the House of the People at its sitting held on the 3rd December, 1953."

LEAVE OF ABSENCE

Mr. Speaker: I have to inform the hon. Members that Shri Sibnarayan Singh Mahapatra completed 60 days of continuous absence on the 28th November 1953. He has now sent an application for leave of absence which briefly is as follows:

"With due respect to you and to the House of the People, I am to state that due to my illness and under medical advice I could not attend any sitting of the House since the 3rd August, 1953, nor could take permission of the House.

I most respectfully seek your kind permission and that of the House to remain absent from the sittings of the House from the 3rd August 1953, till the end of this Session."

Is it the pleasure of the House that the absence of Shri Sibnarayan Singh Mahapatra for 60 days from the 3rd August to 28th November 1953 be condoned and that permission be granted to him for remaining absent from all meetings of the House till the end of the current session, as requested by him.

Hon. Members: Yes, yes.

Shri B. S. Murthy (Eluru): How many times has he absented himself, Sir?

Mr. Speaker: He says in his application it is for 60 days, from 3rd August, and the ground given is continuous illness which prevented him even from writing.

Now, I take it that the House sanctions it.

Hon. Members: Yes, yes.

Absence was condoned and leave granted.

ELECTION TO COMMITTEE

CENTRAL ADVISORY COMMITTEE OF N.C.C.

The Deputy Minister of Defence (Shri Satish Chandra): I beg to move:

"That in pursuance of sub-section (i) of Section 12 of the National Cadet Corps Act (Act XXXI of 1948) as amended by the National Cadet Corps (Amendment) Act (Act LVII of 1952), members of this House do proceed to elect, in such manner as the Speaker may direct, two members from amongst themselves to be members of the Central Advisory Committee of the National Cadet Corps for a term of one year."

Mr. Speaker: The question is:

"That in pursuance of sub-section (i) of Section 12 of the National Cadet Corps Act (Act XXXI of 1948) as amended by the National Cadet Corps (Amendment) Act (Act LVII of 1952), members of this House do proceed to elect, in such manner as the Speaker may direct, two members from amongst themselves to be members of the Central Advisory

Committee of the National Cadet Corps for a term of one year."

The motion was adopted.

Mr. Speaker: I have to inform Members that the following dates have been fixed for receiving nominations and withdrawal of candidatures, and for holding an election, if necessary, in connection with the Central Advisory Committee of the National Cadet Corps, namely:—

Date for nomination: 18th December, 1953 (Friday) (*Interruptions.*)

Members will be obliging the Chair by not talking so loudly.

Date for withdrawal: 19th December, 1953 (Saturday.)

Date for election: 23rd December, 1953 (Wednesday.)

The nominations for the Committee and the withdrawal of candidatures will be received in the Parliamentary Notice Office upto 4 P.M. on the dates mentioned for the purpose.

The election which will be conducted by means of the single transferable vote, will be held in Committee Room No. 62, First Floor, Parliament House between the hours 2-30 and 5 P.M.

PRISONERS (ATTENDANCE IN COURTS) BILL

The Deputy Minister of Home Affairs (Shri Datar): I beg to move for leave to introduce a Bill to provide for the attendance of prisoners in courts and for obtaining their evidence therein.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to provide for the attendance of prisoners in courts and for obtaining their evidence therein."

The motion was adopted.

Shri Datar: I introduce the Bill.

SPECIAL MARRIAGE BILL

Mr. Speaker: The House will now proceed with the further consideration of the following motion moved by Shri C. C. Biswas on the 14th December, 1953, namely:—

'That this House concurs in the recommendation of the Council of States that the House do join in the Joint Committee of the Houses on the Bill to provide a special form of marriage in certain cases, and for the registration of such and certain other marriages and resolves that the following members of the House of the People be nominated to serve on the said Joint Committee namely Shri Hari Vinayak Pataskar, Shrimati Indira A. Maydeo, Shri Narhar Vishnu Gadgil, Pandit Balkrishma Sharma, Shri Nardeo Snatak, Shri Ram Saran, Shri Muhammed Khuda Bukhsh, Shrimati Sushama Sen, Shri Awadeshwar Prasad Sinha, Dr. Hari Mohan, Shri Dodda Thimmaiah, Shri G. R. Damodaran, Shri C. P. Mathew, Shri T. N. Vishwanatha Reddy, Shri Tek Chand, Shrimati Subhadra Joshi, Shrimati B. Khongmen, Shri B. N. Mishra, Shri N. Somana, Shri Purnendu Sekhar Naskar, Shri B. Pocker Saheb, Her Highness Rajmata Kamlendu Mati Shah, Shrimati Sucheta Kripalani, Shrimati Renu Chakravartty, Dr. A. Krishnaswami, Shri M. R. Krishna, Shri B. Ramachandra Reddi, Shri P. N. Rajabhoj, Shri K. A. Damodara Menon, Shri Tridib Kumar Chaudhri"

The House will also take up further consideration of the amendments moved by Dr. Lanka Sundaram, Shri Nemi Chandra Kasliwal and Shri S. V. Ramaswamy.

Shri D. C. Sharma (Hoshiarpur): Mr. Speaker, Sir, I said yesterday that

[Shri D. C. Sharma]

this is a very useful piece of legislation and that some sections of the House had been unduly alarmed by it. When one looks through this Bill, one comes to the conclusion that at best it is an enabling measure. It has no air of compulsion about it. It is permissive; it is not mandatory.

[MR. DEPUTY-SPEAKER *in the Chair*]

From that point of view, it does not interfere with any one's religion, with any one's customs, with any kind of ceremonies if a person wants to preserve them at all costs. Still it has been said that it goes against Hindu society and that it goes against so many other things.

Sir, an hon. Member yesterday gave a definition of a Hindu, and I felt very happy to listen to it. I felt that that definition would be applicable to any person professing any religion so long as he was a good man. That was the definition which was given. I think that that definition could apply to all persons of all creeds and castes and all denominations and I think that is the beauty of Hinduism. Hinduism is a catholic religion. It is an all-embracing religion. It is not an exclusive religion. When you have a religion which is all-inclusive, you imply that it would give you freedom of choice in many ways. I believe that in the matter of marriage, which affects almost every person in this world, this freedom of choice is something which is highly desirable. At the same time, I do not believe that this Bill goes against the injunctions of the Vedas and Sastras to which reference was made. I am not a Pandit in any sense of the term. But I believe that all scriptures of the Hindu religion enjoin on us one thing. Their message is one and that is that all human beings should be able to live happily in this world. Happiness is perhaps one of the biggest things aimed at by religion. I believe that this form of marriage will promote the happiness of many persons and therefore, one should not bring in Sastras in order to penalise those persons who want this kind of marriage.

I should say that this is a Bill which is an amendment of an old Bill. The world is moving and moving rather fast. The march of time is inexorable. I believe that if such a Bill could be passed in the world of 1872, there is no reason why this Bill should not be passed in 1953, to apply to Indians in other parts of the world also, so that people may not say that Hindu society has been a static society, that it has been stuck up, that it has not made progress, etc. There are new social strains and pressures visible in the society even in this matter. On account of these stresses and strains which are new, we require new measures. After all, there was an old measure. This is a measure which seeks to amend an old measure. I do not think that all the exaggerated alarms that were raised yesterday are justified in point of fact. What does this Bill say? This Bill says that there should be a contractual form of marriage. I do not know much about Sastras. But, I have some slight knowledge of Hindu history and Indian history. I can say that we had so many kinds of marriages. What was the kind of marriage that the revered Shri Ramachandra celebrated? It was one form of marriage, swayamvara, of which we know nothing these days. What was the kind of marriage that king Dushyanta celebrated with Sakuntala? That was another kind of marriage. There are so many kinds of marriages enumerated in our *sastras*. All these marriages are there because our social circumstances needed them. I do not see any reason why this kind of contractual form of marriage which is a need brought about by the new social circumstances should be a taboo and should be frowned upon Democracy means freedom of choice. We can choose in marriage anybody we like. I think this Bill gives us that freedom of choice. This is a

freedom which cannot be denied to men and women. It cannot be denied to persons when they receive high education, when they are brought up in a democratic atmosphere, and when they are taught that they should love freedom. If they can have political freedom and freedom in other spheres of life, I do not see why they should not have freedom in the choice of their partners. I think this is only an extension of the liberty which we have granted in so many spheres of life. I think this principle is already there. It is only being legalised here so that there may not be any untoward consequences. Under the old Bill of 1872, one had to forswear religion before he could marry under that Act. According to this Bill, one need not forswear religion. I think this Bill is a more wise document and one which is helpful to the preservation of our religion and consolidation of our religion. Therefore I think that those people who think that this is a blow aimed at our religious susceptibilities, are talking of something which is not here. This Bill is very good in that provision has been made so far as extra-territoriality is concerned. I believe that this will take us a long way in the direction of social reform which is very much needed.

At the same time, I would like to make a few suggestions for the consideration of the Law Minister. I think that a Bill should be brought dealing with foreign marriages. I do not say that it should be on the model of the Foreign Marriage Act in England or other countries. A Bill should be brought here to meet the need of the times. Those persons who suffer from certain kinds of diseases—in this we may take the advice of our health experts—should be prevented from contracting marriages and punished if there is a breach. The age of consent should be 21 years. I remember listening to a debate on the floor of the House when it was said that the age of consent should be raised. I think our social circumstances demand that it should be done. I think that there should be no attempt made to disintegrate our joint family system. It is said that if a person is married under this Act, it will have the effect of severing him from the joint family.

3 P.M.

I think this should not be done because, when all is said and done, the joint family system has done a lot of good to our country, and we should not aim at anything which tries to undo it. At the same time, I should say that so far as the issues of these marriages are concerned, their religion should be determined by the father and if that is not possible, some other steps should be taken so that this matter is not left in doubt.

I should also suggest that the parents of those children who are married under this Act should not be allowed to adopt another child, because that will mean a kind of blow at the joint family.

So far as the prohibited area is concerned, I think this Bill has gone quite far, but I would suggest that so far as the prohibition within the limits of relationship is concerned, the question should be gone into very carefully and very thoroughly. It is no use bringing in legislation on that point which does not have validity according to our religious and customary sanctions and also scientific sanctions.

These are the suggestions I wish to bring to the notice of the Law Minister. I hope I will be able to give some more suggestions when the Bill is taken up for Clause by Clause consideration. I welcome this Bill, and I think most of the people in the country welcome this Bill which is a very progressive measure.

श्रीमती उमा नेहरू (जिला सीतापुर व जिला खेरी—पश्चिम) : जनाब डिप्टी स्पीकर साहब, बहुत इन्तजार के बाद यह बिल हमारे सामने पेश किया है, मैं सरकार को इस

[श्रीमती उमा नेहरू]

पर बधाई देती हूं। लेकिन इस बिल को देखने के बाद हम कुछ सोच में पड़ गये हैं, क्योंकि इस बिल में जो चीजें हम चाहते थे वह नहीं बल्कि कहीं नई, कहीं पुरानी, अजीब तरह का बिल बन कर कुछ खिचड़ी सा यह मालूम देता है। लेकिन मैं समझती हूं कि जो कमेटी इस बिल को देखने के वास्ते मुकर्रर हुई है, वह इस को देखेगी और इसको दुरुस्त करेगी। इस में कई कमियां दिखाई देती हैं। जब इस बिल को पढ़ें तो इस के अन्दर एक तरफ तो शादी रजिस्ट्रेशन की दिखाई देती है और दूसरी तरफ वह शादी भी है जैसी कि अभी होती है। मैं समझती हूं कि इसके अन्दर जो शादी की रस्में बताई गई हैं उस में जहां १८ क्लाज से २३ क्लाज तक का हिस्सा है, उस को बहुत गौर से पढ़ने के बाद ऐसा मालूम होता है कि उस को इस में होना ही नहीं चाहिये था। १८ से २३ क्लाज तक को इस में से निकाल देना चाहिये। इस के ऊपर विचार करना है कि अगर रजिस्ट्रेशन से भी शादी होती है तो कोई भी व्यक्ति हिन्दू ज्वाइंट फैमिली से अलग न होने पावे। मैं समझती हूं कि इस पर विचार कर के जो सिलैक्ट कमेटी है वह इस को मंजूर करेगी।

स्पेशल मैरिज बिल पर कल से मैंने बराबर सब व्याख्यान सुने। मैं उन पर कोई वाद-विवाद नहीं करना चाहती, क्योंकि मैं जानती हूं कि जो भी मेरे भाई यहां हैं, जिन को यह बिल मंजूर नहीं है, जिन के गले से यह बिल नहीं उतरता है, उन को मैं समझ सकती हूं। जब नये ख्यालात आते हैं तो पुरानी चीजें बड़ी मुश्किल से छूटती हैं। इसलिये उन के प्रति जरा भी मुझे गुस्सा नहीं आता। लेकिन असल में समाज को आगे जाना है समाज को तरक्की करनी है और कोई भी समाज तरक्की नहीं कर सकता अगर उस के आगे बढ़ने में कोई गुंजाइश न हो। इसलिये सब चीजें देख कर हमारा फर्ज है कि समय के अनुसार हम इस को बदलें। इस बदलने के बारे में मैं इतना ही कहूंगी कि गो हमारे सामने यह आप का स्पेशल मैरिज बिल आया उस रोज डाउरी बिल आया, यह सब चीजें आईं, लेकिन हम देखते हैं कि जो असल में हमारे समाज की जड़ है, वह हमारे सामने नहीं आई है। हिन्दू कोड बिल आता तो यह सब मुसीबतें नहीं आतीं, सब चीजों के लिये मैदान साफ हो जाता और हम आगे बढ़ते। लेकिन कुछ नहीं होने से हम इसी पर अब आगे बढ़ रहे हैं।

जैसा, मैं ने अभी कहा, इस बिल के १८ से २३ तक के सैक्शन जो हैं इन को निकाल देना चाहिये। इन सैक्शन्स को रख कर हम अपने लोगों को एक तरह से पीनैलाइज करते हैं। उन को हिन्दू फील्ड से अलग निकाल देना हमें अच्छा भी नहीं लगता है, क्योंकि इस से तो ऐसा मालूम पड़ता है कि जैसे ईसाइयों की तरह जिस रोज हमारे बच्चे ने विवाह किया, जिस रोज लड़के या लड़की शादी रजिस्ट्रेशन से करते हैं, तो उसी वक्त वह खानदान से अलग हो जाते हैं, उस में इनहैरिटेंस नहीं होता। यह सारी चीजें हो जाती हैं, वह ज्वाइंट फ़ैमिली से अलग हो जाते हैं। इस को दुरुस्त करना बहुत जरूरी है। हम चाहते यह हैं कि ज्यादातर जो हमारी शादियां हों वे रजिस्ट्रेशन से हों। मैं आप को यह भी बता दूं कि हम यह चाहते हैं कि समाज को दुरुस्त करने के लिये, समाज को जिन्दा रखने के लिये, जो भी हमारे यहां शादियां हों, जो भी पुरुषों की शादी हो, वह एक ही शादी हो, दूसरी शादी न होने पाये। अगर दूसरी शादी हो तो उस वक्त हो जब कि पहली स्त्री से कानूनी तरीके से अलग हो जाय। एक स्त्री के ऊपर दूसरी स्त्री का लाना महा गुनाह और पाप होता है। मैं समझती हूं कि इस

रजिस्ट्रेशन से हम जो बीमारी पुरुषों में है उस को बन्द कर देंगे ।

असल बात तो यह है कि इस बिल में जो भी कुछ तबदीली लान के लिये कोशिश की गई है उस से जो स्त्रियों की स्थिति है, उस में इन सब तबदीलियां होने के बाद भी जो स्थिति होगी, उस में, मैं समझती हूं बहुत ही सुपरफीशियल तबदीली होगी । जो आज स्त्रियों की बेसिक स्थिति है वह वैसी ही है जो मनुजी के वक्त में थी । मैं यहां यह भी कहना चाहती हूं कि मैं तो मनुजी की बहुत रैस्पैक्ट करती हूं । मैं तो समझती हूं कि अगर मनुजी आज जिन्दा होते तो हमारी समाज बिल्कुल दूसरे तरीके की होती ।

श्री गाडगील (पूना मध्य) : वह इधर होते, अपोजीशन में नहीं होते ।

श्रीमती उमा नहरू : मैं समझती हूं कि समाज की आज जो हालत है मनुजी उस के अपोजीशन में होते और वह आगे बढ़े होते ।

मैं आप को यह भी बताना चाहती हूं कि मेरे भाई कुछ मुझे बार बार बताते हैं कि हिन्दू धर्म में क्या है । वैदिक जमाने में क्या है । वैदिक जमाने का इतिहास तो बड़ा लम्बा चौड़ा है । लेकिन वैदिक जमाने के पहले स्त्री बिल्कुल आजाद थी, उतनी ही आजाद थी जितना कि मर्द आजाद होता है, स्त्री भी उसी तरीके से चलती थी जैसे मर्द चलता था, कोई भेद स्त्री और पुरुष की आजादी में नहीं था । लेकिन आप जानते हैं कि इस का इतिहास बड़ा दुःखदायी है । आप जानते हैं कि जिस वक्त यह प्राइवेट प्रापर्टी की चर्चा हुई, जब मनुष्य ने, प्राइवेट प्रापर्टी हासिल की, उसी वक्त से स्त्री भी नीचे गिरी । इसी कारण उस का गिरना इतना ज्यादा हुआ कि आज समाज में हालत यह है कि स्त्री को कोई कहीं जगह नहीं किसी कानून में उसे जगह नहीं दिखाई देती है । कुछ लोग मुझ से कल से मिलने आये । वे मुझे समझाने लगे कि इस वक्त भी कितना अच्छा कानून है कि हिन्दू धर्म में स्त्री जब छोटी सी होती है, कन्या होती है, तो उस का रक्षक पिता होता है, जब वह बढ़ती है तो पति होता है और वृद्धावस्था में उस का रक्षक पुत्र होता है । इस कदर स्त्री को हर चीज में हर अवस्था में महफूज रखा गया है । संग संग मेरे सामने धर्म का जिक्र यहां भी किया और बाहिर भी होता है । लेकिन मुझे तो इन धर्म के ठेकेदारों से यह कहना है कि यह जो धर्म के ठेकेदार हम को धर्म बताते हैं, इन का पहला धर्म यह है कि स्त्री को इन तमाम बन्धनों से आजाद करें । यही धर्म का मूल है ।

आज हम को वे लोग धर्म बतलाते हैं जिस में हम लोग जकड़े रहें, या और भी हम ज्यादा जकड़ जायें, खैर यह तो एक बहुत लम्बा चौड़ा इतिहास है । इस समय मैं और अधिक न कह कर इतना ही कहूंगी कि चूंकि यह बिल सिलैक्ट कमेटी के सुपुर्द किया जा रहा है, इसलिये म सिलैक्ट कमेटी के मैम्बरों से कहूंगी और अपने ला मिनिस्टर साहब से कहूंगी कि इस बिल को बहुत ही सरल और सहज बिल बनाया जाय और इस बात का ध्यान रक्खा जाय कि यह बिल इतना मुश्किल न होवे जिस में आगे चल कर दिक्कतें पैदा हों और विवाह पद्धति में जमाने के अनुसार और समय को देखते हुए परिवर्तन करना है । इस बिल को एक प्रैक्टिकल, ईजी और साइंटिफिक बिल बनायें, ताकि आगे चल कर हमारे सामने कोई मुश्किलें अथवा दिक्कतें न आवें । बस मैं इतना ही कह कर अपना भाषण समाप्त करती हूं ।

Mr. Deputy-Speaker: Let me make one suggestion. I find a number of

[Mr. Deputy-Speaker]

hon. Members are desirous of participating in this discussion. It has been the practice of this House that that hon. Member whose name is included in the list of Members of the Select Committee has not been allowed to participate in the discussion. The number of members of the Select Committee is so large that I am not able to find out, when many hon. Members stand up, who are members of the Select Committee and who are not. I therefore leave it to them not to try to catch my eye. Those who are members of the Select Committee may not stand up.

Shri Gadgil: May I say something, Sir? Even if the Member happens to be included in the Select Committee it is possible that he may have some good points on which it is necessary to know the reactions of the House. If you make a hard and fast rule—of course the House is competent to do that—it will not be conducive for the purposes of having a good and all-pervading discussion. I am, therefore, suggesting that in suitable cases exception may be made. I want to speak.

Mr. Deputy-Speaker: Suitable cases will always be borne in mind. But, whenever an hon. Member is a member of the Select Committee, he will, when he wants to address the House, kindly inform me that he is a member of the Select Committee, and say that notwithstanding that he wants to speak.

Shri Gadgil: That is what I have done.

Mr. Deputy-Speaker: Shrimati Maydeo.

Shri S. S. More (Sholapur): She is a member of the Select Committee, Sir.

Mr. Deputy-Speaker: Is she?

Shrimati Maydeo (Poona South): Mr. Deputy Speaker, Sir, although I am welcoming this tiny bit of legislation, which is part of the Hindu Code Bill, I am not satisfied because.....

The Minister of Law and Minority Affairs (Shri Biswas): It is not a part of the Hindu Code Bill at all.

Shrimati Maydeo: In the name of civil marriage, it was a part of the Hindu Code Bill. There is only a little change. There are some reforms made and because it is made applicable to all, it is little different. It was also included in the Hindu Code Bill in the name of civil marriage and so we were waiting for all the other sections, the Hindu Marriage, Divorce and Inheritance Bill and also on Succession. We would have welcomed them first. But, even otherwise, we are satisfied that at least a beginning has been made.

There are some clauses which are welcome to society; but there are many other clauses also which need changes and amendments. As there is not much time, I will confine myself only to a few. I would like to point out that in clause 7(2), the number of days has been changed from 14 to 30. But, I would like to say that where the consent of the parents of both the parties has already been obtained, the limit of 30 days should be changed to 14 days, because in many cases it is necessary that the marriage should be celebrated earlier. Therefore, when the consent of the parents has been obtained, there should not be this condition that 30 days should lapse after the notice is given.

Then there is clause 18 to which my hon. friend Mrs. Uma Nehru referred. I do not understand why the couple marrying under the Special Marriage Act should be treated as step-children and why they should be asked, by law, to sever from the joint family. As social workers who are very devoted to Harijan uplift, we, who are for social legislation, used to ask boys and girls to marry under the Special Marriage Act to get all the advantages of the law, so long as no monogamy law or divorce law was brought into our country. Many young boys and girls listened to me. Why should they be asked to sever themselves from the family? Even after their marriage,

they are as dear to us as they were before. Why should it be supposed as if they are dead to their parents. Why should the parents also be allowed to take another son in adoption as if the son who has married under the Special Marriage Act is dead to them? I do not understand why such a treatment should be given to couples marrying under the Special Marriage Act. They should be allowed all the facilities and they should be allowed to stay in their families and with their parents. One should not be asked to sever his connection with the family or even be debarred from the right of adoption. There is every possibility of a couple marrying under the Special Marriage Act not getting an issue at all. Why should they be debarred from adopting a child to satisfy their love for children? So, I think that these clauses 18 to 21 are not necessary at all, and they should be deleted.

One other point which I came across and with which I am surprised is in the schedule, page 8. When the notice is to be given, it is said that the bridegroom should say that he is unmarried, widower or divorcee and in the case of the bride, it is stated, that she should call herself a spinster. Why should she be treated so harshly under law? The meaning of the word 'spinster' is not very happy. That means an elderly woman who is unmarried. But then a bride can be a very pretty young girl of 18 years. Why should she call herself a spinster? I feel that this word 'spinster' should be changed into 'unmarried'.

There are many other clauses also which need changes, but I keep them for the Select Committee.

Thank you, Sir, for giving me an opportunity.

Mr. Deputy-Speaker: I will call only non-Select Committee members. Shri Raghubir Sahai.

Shri U. M. Trivedi (Chittor): Is the speaker always to be from the right side?

Mr. Deputy-Speaker: Anyhow, I have begun there and let it go that way.

Shri Raghubir Sahai (Etah Distt.—North East *cum* Budaun Distt.—East): I rise, Sir, to give my whole-hearted support to this Bill. I was rather amazed yesterday when two hon. Members of this House belonging to the Opposition Benches raised an alarm in violent speeches opposing the Bill. I thought if any outsider had heard those speeches, he might have come to the conclusion that perhaps a very novel, unique and unheard of principle was being introduced by the Indian Government in this legislation. There was nothing of that kind in this Bill. As has been pointed out by some hon. Members, this Bill is not a new Bill at all; it is only a re-hash of a Bill that was enacted in the year 1872, something like 81 years back, and since then, that piece of legislation is there on the statute book. The only point that can now arise in the consideration of the Bill is why, if a legislation of this kind existed since 1872, bring a new Bill. There is a sound and a very good reason for it. The reason is that since then, society has changed, times have changed, many new features have arisen and we have to take note of public opinion and all that, and therefore, some changes had to be made in the old Bill. This Bill has been placed now with certain changes here and there.

Sir, with your permission, I beg to point out that the most important changes that have been introduced in this Bill, as compared with the 1872 legislation, are—

(1) That this Bill is made applicable to all the citizens of India, irrespective of their religion;

(2) That it is made applicable to the citizens of India outside, or in other words, it will have extra-territorial jurisdiction;

(3) That the age limit for marriage has been fixed at 18; formerly, in the 1872 legislation, the age limit fixed for a girl was only 14; and

[Shri Raghubir Sahai]

(4) That this Bill provides for the legislation of those marriages also which had been performed either before or after the passing of the Bill under some other form or under some other law.

Now the question arises—does this Bill come into conflict with any of the notions of Hindu religion, and is it such that unnecessary fuss should be created in regard to the passage of the Bill? As pointed out by me, the 1872 legislation was passed and it has been in existence all this time. Never did public opinion demand the abrogation of that Act and it does not now behove any people in the country to raise a voice of protest against the Bill at all. Moreover, there is one point that is to be considered in this connection. Before bringing this Bill, it was perhaps necessary for the Government to have placed those figures before us as to how far the whole legislation of 1872 was availed of by the public. I may point out that I wrote a letter to the Director-General of Registration of Marriages in this connection and I wanted to elicit information as to how many marriages, since the passage of the 1872 Act, have been registered under that Act. I am sorry to say that no such information was forthcoming. That information would have given us some clue as to how far the 1872 legislation was popular in this country.

One very good feature of the Bill is that it is only a permissive Bill. There is nothing of a mandatory nature in it. It is not an obligatory Bill; it is not an obligatory legislation; anybody who likes to make use of the provisions of the Bill is at liberty to do so, and one who does not like it, is at liberty not to avail of it. There should be no occasion for the opposition of the Bill. The reason why I welcome the Bill is that it provides a simple method of marriage, a method which will be inexpensive. Only the other day, when the Dowry Bill introduced by our revered sister Shrimati Uma Nehru in the House, was under consideration, the point was elaborated that the marriages of these days are very very expensive, and in that connection our hon. Law Minister pointed out that it was the intention of the Government to bring a Bill restricting expenses in marriages. I don't know when that Bill would be forthcoming but till then, the passage of this Bill will have a very salutary effect, because it provides a very simple and inexpensive form of marriage.

Having said this, I would like now to point out that there are certain defects also in the Bill. I hope the hon. Law Minister will take note of them because he is the man who will pilot the Bill through the Select Committee and, after it has emerged from the Select Committee, through both the Council of States and this House. For instance, Sir, in clause 4, the age limit has been fixed at 18 for those who enter into a marriage alliance under this provision. I wish to point out that these are days when notions and ideas have undergone a very great change. The limit of 18 years is not proper. To my mind, it appears that at least 21 should have been fixed both for the girl as well as for the boy.

An Hon. Member: A boy of 21 !

Shri Raghubir Sahai: The second suggestion that I wish to make is that under the Bill, it is obligatory that whenever a boy and a girl intend to marry under the provisions of this Bill they have to give notice. There is no provision here with regard to giving information to the parents of the boy or the girl. If both of them happen to be in a foreign country—suppose a young boy has been sent from India and a young girl has also been sent from India, to carry on their education in England—and if they fall in love with each other and decide to marry.....

Mr. Deputy-Speaker: It is already late.

Shri Raghubir Sahai: I will bring my remarks to a close very soon. I wish that in such cases the notice should go to the parents of the boy and the girl

in India, so that, if necessary, the parents could raise objection with regard to the age of the boy and the girl or with regard to the prohibited relationship or with regard to any other relevant matter. That has not been provided in this Bill.

Then, Sir, as has been pointed out by other learned friends, when a marriage has been performed under the provisions of this Bill, why these persons should be deprived of the right of adoption? Why should there be a severance of their connection from the joint family? These are also points that should be considered by the Joint Select Committee.

One other point that I wish to make is that in clause 14, it is provided that "any marriage solemnized, whether before or after the commencement of this Act other than a marriage solemnized under Special Marriage Act," may be registered "under this Part by a Marriage Officer in India." Sir, I for one, cannot understand the utility of this provision. It has been said in the 'notes on clauses' under this clause that it provides for the registration under this Act of marriages solemnized in other forms, so as to enable the parties thereto to avail themselves of the benefits of this Act. What are those benefits? One of them is that he would not have the right of adoption. The other is that he would sever his connection from the joint family. Now, Sir, I submit that this is no benefit at all, it is a positive loss, so to say. When a marriage has already taken place, who is going to get it registered again under this Bill for the sake of these two negative benefits—I cannot possibly understand. These are no positive benefits. These are positive losses. Therefore, it will be well on the part of the Select Committee to take these points into consideration.

Shri N. C. Chatterjee (Hooghly): Mr. Deputy-Speaker, Sir, the hon. lady Member from the communist bench said yesterday that she welcomes this Bill because it is based on progress. Progress towards what, Sir? Progress towards uplift, progress towards cohesion, or progress towards social disintegration and dismemberment of the Hindu coparcenership? Is that a desirable consummation? You are setting at naught, Sir, the fundamental principle of Hindu marriage which is, that it is a sacrament. Its cardinal principle is that it is an indissoluble union. Are you not going to lay an axe at the very root, the very fundamental concept, of Indian marriage which has ruled our society for at least 5,000 years? Will that be a progress ahead, or are you merely imitating the western countries?

Sir, when I was a student in the University of London 30 years back, I used to go to the Courts in London, and I found that besides fashionable leaders like Sir John Simon, most of the lucrative practice was in the patents and trade-marks cases. The patents and trade-mark practitioners had the most paying practice. After I retired from the bench, when I went there in 1949, I found that the most lucrative practice was the divorce court practice. As a matter of fact, this will be a lawyer's paradise; as a lawyer, one should welcome this wonderful measure sponsored by the hon. Law Minister. He has done some good at least to this profession, to which he belongs. Are you not introducing all the filth, all the degradation, all the ignominy and all that goes with it, in introducing this kind of legislative measure? Will that be a desirable consummation? Why did you want independence? The lady Member said there are men who still cling to the medieval outlook of life; and that is they are opposing this Bill. Shri Aurobindo cannot be accused of having a medieval outlook of life. He was the greatest fighter from India's emancipation, and was one of the greatest prophets that this country has produced. He said India can best develop herself and serve humanity by being herself, and following the law of her own nature, her *swabhava* and *swadharma*. Are you, by passing this

[Shri N. C. Chatterjee]

legislation, following India's *Swadharma*, India's tradition? Are you going to fulfil India's destiny according to India's tradition, according to India's norm? We must keep our own culture, our equilibrium, our spiritual poise, our *dharma*, that is, the essence of our being, our inborn nature, and we have to assimilate it and re-create our country, our Indian society, on its old, own moorings.

Sir, great writers and thinkers have said—Dr. Radhakrishnan, in his great lectures in the Oxford University has said—great civilizations have perished, but the civilization of India still lives. Assyria and Babylon have vanished; the great civilizations of Rome and Carthage are mere legends but India lives. Our civilization is still a dynamic force. Throughout millenium, millions and millions of people have cherished and lived for that civilization. Why do we live in that way? We live because we cherish and adhere to certain eternal truths. Those eternal truths are not to be lightly set aside. Are you not setting aside some of these cardinal truths? Are you not setting at naught some of the fundamental norms of life and society? I ask you to consider that. India lives, Hindu civilization lives, because you are rooted to certain traditions and norms and customs relating to marriage and adoption and succession. They should never be made a plaything of politics. Invaders came, Alexander came, Mohammed Gori came, Mahmud of Ghazni came, barbarians came: we have resisted or absorbed most of them, and we also assimilated some of them, but also at the same time, we taught them these eternal truths and they have adopted them, and they were very proud of them. What I am saying, Sir, is this: that if you discard those truths, if we discard those eternal principles, then you are really retarding progress and our self-development, that strange alchemy,—the self-development through which India has lived and by means of which India has subdued and vanquished all her invaders, all her enemies.

Now, I submit, Sir, that before you make divorce cheap, before you open the floodgates of all those kinds of divorce litigation which disfigure other countries and other civilizations, we must pause and consider. This is the country of Sita, Savitri and Damayanti; in the sanctity and purity and chastity of our womanhood, India's soul has been dedicated.

Shri Gadgil: Is there anything about chastity in this Bill?

Shri N. C. Chatterjee: Mr. Gadgil seems to laugh at it. But I would ask him seriously to consider: are we going to ennoble womanhood by making divorce cheap, or are you going to discard the glory of our womanhood?

Dr. N. B. Khare (Gwalior): He wants freedom of cohabitation.

Shri N. C. Chatterjee: As a matter of fact,.....

Mr. Deputy-Speaker: As far as possible, words which are not quite decent need not be used in the House. No doubt such words may be justified by some other meaning, that two people can live together, but equally, the other meaning does not look so decent, and it is also capable of argument. I request that hon. Members may not use such words in their natural instinct to be humorous, and avoid such words.

Shri N. C. Chatterjee: Our concept, Sir, is one of indissoluble fellowship between man and woman, and marriage is not an end in itself. Will you snap that sacramental tie, reduce it to a contractual relationship and, more or less, a commercial bargain? I resent this remark of my hon. friend who said that she will have contract based on love. No, Sir. Go to the western countries. What has happened? There has been so much disruption and disintegration of family life, so much degradation by the so-called freedom, the loosening of the marital tie, loosening of family affection. What has

happened there is really the womenfolk have not progressed, no progress in the real sense at all. It has been one of degradation. For man, it is different: to disrupt a family life and be divorced—that is one thing for a man who is absorbed in his work, in his occupation and in his vocation. But what about the woman? You completely disintegrate her life and consign her to a life of loneliness and misery, especially in a country like ours where ninety per cent. of the womenfolk are ignorant. You place them at the mercy of men.

What is the kind of legislation you are having. Sir, I am submitting that clause 14 is fundamentally an improper piece of legislation. It says:

> "Any marriage solemnized, whether before or after the commencement of this Act,....may be registered under this Part by a Marriage Officer in India" if certain conditions are fulfilled.

What right has this Parliament, Sir, to play with the sacramental marriages, which were entered into, 20 years back, 30 years back or 40 years back. Men and women entered into a tie.

Shri Gadgil: It is not obligatory: it is permissible.

Shri N. C. Chatterjee: I know. But Mr. Gadgil ought to know that our women are illiterate and helpless. It will be very easy to get a consent and it will be very easy to keep them at the mercy of menfolk. You can easily get a registration; they do not realise the implication of it.

Shri Gadgil: The experience is the other way about.

Shri N. C. Chatterjee: It may be so in Maharashtra or elsewhere.....

Shri S. S. More: What is it in Bengal?

Shri N. C. Chatterjee: What I point out is this. Sir, is it right, is it fair, Sir, to millions of people who have entered into matrimonial relationship under Hindu law, knowing fully the implications thereof, having children, governed under a peculiar system of succession, having rights and liabilities, etc.? Under Mitakshara immediately they are born they are members of a coparcenary. By virtue of their birth they have certain rights as coparceners. What right have you to say that under a retrospective piece of legislation, you will bring them within the ambit of this Act? You can legislate for fashionable ladies, or westernised women, or progressive ladies, if you like, and say men and women who do not want Hindu marriages under the sacramental law, under the Vedic law, under the Brahmo form of marriage, can do whatever they like. But what right have you to say that marriages which were entered into two decades back, or thirty years back, will be brought within this law. I do not think, Sir, it is right. This kind of retroactive legislation, in spite of the paramountcy and sovereignty of Parliament, is most undesirable. You ought not to do it. We know you call it permissive. But it makes the floodgates open and thereby you will encourage such marriages. It will not be right, Sir, on our part to play with sacramental marriages.

Throughout the millenium of Indian history what has happened? India has survived. India's civilization has survived: it has survived the cataclysm of politics; it has survived hundreds of invaders and conquerers, because we did not allow even princes, or legislatures, or any political party or even a Minister, however, influential he may be to play with our social system. Our law of marriage was kept intact. I do not say it never changed. It changed from time to time, because Hinduism is an organic growth. Therefore Hindu law developed from stage to stage. The law as it is administered today is not the same law as it was in the days of Manu. But, Sir, that was a gradual development, as a result of progressive social consciousness. Don't try to tamper with that.

If I may say so, Sir, codification is not always desirable. Napoleon did it in France, but when it was tried in Germany it led to terrible difficulties.

[Shri N. C. Chatterjee]

As a matter of fact, the unification of Germany was to a large extent impeded by premature codification, premature imitation of other systems of law. That is a point to be seriously considered. Savingy pointed out the dangers of codification. Don't think codification is the *summum bonum*. You are not merely codifying. You are introducing certain provisions which disrupt coparceners, which disrupt sacramental marriages, which lead to the fragmentation of the cardinal principle of indissolubility of marriage. Is that a desirable consummation? Could you do it lightheartedly.

The hon. the Law Minister says it is not a part of the Hindu Code. But aren't you bringing in part of the Hindu Code by the side-door, in a camouflaged manner? Aren't you copying some portions of the Hindu Code in this Bill? I have been elected, Sir, to this House by a constituency where the main issue was the Hindu Code. The distinguished lady who opposed me was one of the biggest supporters of the Hindu Code. My election, Sir, is a repudiation by my constituency of this Bill. There are very few electoral contests where the issue came out so prominently.

Shri V. G. Deshpande (Guna): Our Law Minister was not elected at all!

Shri N. C. Chatterjee: He is a Member of the Council of States and is in an advantageous position that way. He has not to go through the test of facing the electorate.

Then again, look at clause 18. Under the garb of giving something to the women, or something to the progressive men, clause 18 has been drafted as follows:

> "Effect of marriage on member of undivided family: The marriage solemnized under this Act of any member of an undivided family who professes the Hindu, Buddhist, Sikh or Jaina religion shall be deemed to effect his severance from such family."

Shri S. S. More: That clause ought to go.

Shri Biswas: This provision had been there since the Act of 1872.

Shri N. C. Chatterjee: Because it was in the Act of 1872 it must be in the Act of 1953! Therefore, what was there in the Code of Manu should be consistently here in the law of Mr. C. C. Biswas.

What are you doing here? What has marriage to do with coparcenary? If you are really sincere in going ahead, if you believe in progress, if you are champions of emancipation of women, why do you disrupt coparcenary? Sir, according to this Bill, if it is enacted, a Hindu can marry a Hindu, a Brahmin can marry a Brahmin, a Muslim can marry a Muslim, a Christian can marry a Christian.....

Mr. Deputy-Speaker: A Hindu can marry a Christian also.

Shri N. C. Chatterjee: Supposing a Hindu marries a Hindu, a Brahmin marries a Brahmin, what crime has he committed, whereby there should be disruption of coparcenary? You are throwing them immediately out.

Shri Gadgil: Break this nexus between religion and property.

Shri N. C. Chatterjee: What I am pointing out is this: this Bill is not well-conceived; it is ill-conceived. The real design is simply to destroy coparcenary, destroy sacramental marriages, destroy the Vedic conception of indissolubility of marriage.

Then under clause 20 no person who has his marriage solemnized under this Act shall have a right of adoption. Supposing a Hindu boy marries a Hindu girl. Then under this 'progressive' Bill why take away the right of adoption? What crime have they committed that you take away from them the inherent right of a Hindu.

Now you have also brought in the Divorce Act and there you say the old Act of 1869 shall apply. You are repealing the Act of 1872 and trying to

make it more progressive, but you are thinking of the Divorce Act of 1869.

The Minister of Home Affairs and States (Dr. Katju): Shall we say of 1953?

Shri N. C. Chatterjee: What I am pointing out is this. If you really want to fulfil the obligation which you took upon yourself by the Constitution, of having a proper civil code for all, produce that civil code: let us discuss it; let us see what it is. Let us analyse it and tackle it on its merits. Otherwise, do not go in this piecemeal fashion with so-called progressive measures, taking away coparcenary rights and disrupting the old Mitakshara family. It will lead to terrible difficulties. You know that hundreds and hundreds and thousands and thousands of firms and business concerns are run by Mitakshara coparcenaries. Assuming that anybody avails of this the result would be automatic disruption of those joint family businesses leading to the upsetting of the entire economic life of the nation. I do not think that is proper.

You know Mr. J. D. Mayne, the greatest authority on Hindu Law, has said it is an impossible task really to codify Hindu Law in a manner which will satisfy all sections. He said: I defy anybody to do it. Some attempt was made. It was not satisfactory. But what is more important is this. The growth of our common law of the Hindus was arrested under the British regime. The British Judges tried to be more conservative than Manu. They did not recognise customs and usages which came under the auspices of great commentators who reflected really the growing consciousness of the nation in different regional groups. That was stopped. In independent India that factor has gone. Our judges should not be living under that condition. They know Parasara, Manu and Yagnavalkiya. They can recognise the customs. They know the people. They can see that the organic growth of Hindu law is not retarded and full play is allowed for the development of common law which is the reflex of the national will.

Shri Gadgil: Mr. Deputy-Speaker, as I listened to my friend Mr. Chatterjee I felt that whatever was said when the Abolition of Sati Act was passed, when the Removal of Caste Disabilities Act was passed, when the Widow Remarriage Act was passed, when the Child Marriage Restraint Act was passed and when the Hindu Marriage Act of 1949 was passed, the same line of argument even now was being adopted that the Hindu culture and Hindu civilisation are in danger.

Shri S. S. More: That shows their consistency.

Shri V. G. Deshpande: And your inconsistency.

Shri Gadgil: Well, consistency is the virtue of a wellknown animal. I need not refer to it. We are living, as has been well recognised by Mr. Chatterjee, in the year 1953 and we are living under a Constitution where certain principles are guaranteed to individuals, liberty of speech, liberty of association which in my opinion includes the right of every person to choose his or her partner as he or she desires. Marriage is a joint enterprise.

Shri Syamnandan Sahaya (Muzaffarpur Central): Limited concern.

Shri Gadgil: With us it is limited. I do not know what it is with you.

Marriage is a joint enterprise where the partners share their ambitions and achievements, their sorrows and joys and those delicacies which nature desires them to enjoy and not to express. Nor can we by any act permit this noble conception being sabotaged. I think we owe it to the Constitution and the principles guaranteed therein that there must be full freedom for marriage and it should not be restricted by all such restrictions as are contemplated in those sections to which a reference was made by Shrimati Uma Nehru as also by Mr. Chatterjee. If that freedom is to be full, then the nexus between religion and property must be broken. Why should a man be prevented from marrying a girl of his choice because certain consequences

[Shri Gadgil]

in the matter of inheritance or succession will follow?

Shri V. G. Deshpande: Why should you restrict?

Dr. N. B. Khare: For full freedom there should be no marriage.

Shri Gadgil: I am glad. If Dr. Khare who is *ex*-President of the Hindu Mahasabha thinks that there should be no institution of marriage, I think many will agree. But so far as I am able to see the well expressed sense and quite good sense of the House, everybody is agreed that there must be the institution of marriage.

Shri V. G. Deshpande: And restrictions also.

Shri Gadgil: Whatever restrictions we may like to impose must be reasonable restrictions and not restrictions that will prevent the expansion of the personality of this spouse or that spouse.

Sir, there is nothing in this which is against Hindu Law. My friend said that the Hindu society has survived. One of the fundamental principles of Hindu religion, according to him, is the conception of four *varnas, chatur varna*. The very fact that only one-fourth of the people can fight means that three-fourths are left out. Either we accept this as a matter of fundamental value or we do not accept it. All along the genius of Hindu law and *dharma* has been to provide good principles, enunciate them and provide for *apavad* or *apad dharma* so as to keep the vyavahara (व्यवहार) with the spirit of the times. Every age has a *smriti* of its own. There are those things which are really reasonable like the restrictions with respect to blood relationship, and there is nothing in this Bill which goes fundamentally against the spirit or the genius of Hindu *dharma*. I will, Sir, with your permission read the opinion of Justice Panchapakesa Ayyar. He has said:

> "In the golden age the law of Manu; in the silver age the law of Goutama; in the bronze age the law of Sankha and Likhita; and in the iron age the law of Parasara—shows this. I have known some orthodox leading Ayyars and Ayyangars object violently to their sons marrying Non-Hindu or European girls and boycotting the couples for some time and later on fondling the grand-children as if they were the progeny through Brahmin girls. Ultimately, *blood tells*, and views based on *custom* finally melt at the call of *blood*. Our secular state must progress. No one will be prepared in this atomic age to die for another unless he is capable of becoming a brother-in-law, and not always remain a "brother" citizen. Intermarriageability may take time, but it will come when education becomes universal and culture becomes uniform. The questions of the religion and caste of the progeny of such mixed unions will solve themselves, as they did even in ancient India. The castes themselves may dissolve, and religion may become one of the heart instead of one of external ritual and name with the appropriate caste marks, horizontal, vertical, angular, triangular or circular as now. As the proposed marriage law is *optional*. I am for it, for time, the old gypsy, will not stay and put up his caravan even for one day. If we delay, hundreds of youngmen and women who love one another may have to live in adultery or fornication or illegitimate unions, and our sages always wanted to prevent it: hence their allowing unapproved marriages like *anuloma* unions and the *Rakshasa, paisacha, asura* and *Gandharva* marriages. Let us follow them, and the rule of live and let live!".

4 P.M.

Sir, there is nothing in this Bill which is against the genius of Hindu law. What this Bill does is merely to regularise what is happening plus removing certain impediments or certain

restrictions which one meets with in the provisions of the Special Marriage Act of 1872. Here under this Bill you can celebrate the marriage according to your own desires, according to any form you like, and the marriage officer will merely ask each party to say whether he or she accepts him or her as his or her lawful wife or husband. Beyond that nothing has been contemplated. What used to be the practice? The marriage would be registered under the provisions of the Special Marriage Act and the parties would come home and again have a sort of ritual, as was done in the case of my two daughters—I can speak with experience. That is not now necessary and from that point of view, it is a distinct mark of progress, a distinct progressive step.

Sir, when we have adopted an ideal of creating a casteless and a classless society in our Constitution, for one of the Directive Principles lays it down, surely then our objective having been firmly and finally defined, all those intermediate steps or programmes must be so taken that together and collectively they will have the effect of bringing that happy day much nearer. I want to ask my friend, Mr. Chatterjee, what exactly is there which is against Hindu Dharma. My regret is that it is permissive. The other day I had some discussion with my friend, the Law Minister, and I suggested to him that so far as the question of going through the form of special marriage was concerned, that was all right so far as it went. And as I said a few minutes ago, this nexus between religion and property must be broken; otherwise, the freedom that we have promised in this and in the Constitution can never be realised to the fullest possible extent. What I then suggested further was that every marriage whenever it had taken place —ten years, thirty years or forty years —should be registered not because it imposed this, that and the other; when the property provisions were removed, then it would satisfy the conscience of my friend, Shri Chatterjee. What is the purpose that I am pleading this for? When we are having a planned economy, when we have to face the question of a terrible increase of population some thirty years hence—and the Census Commissioner has drawn a picture, a very dismal picture—we must in the matter of population also have some plan, and no plan can be evolved or worked up unless we have firm, correct—one hundred per cent. correct—data.

Shri Syamnandan Sahaya: Statistical marriage.

Shri Gadgil: All right. If we make the minimum age of marriage, say, 16, what will be the sociological consequences of that?

Shri V. G. Deshpande: 16 or 60?

Shri Gadgil: 16.

Shri V. G. Deshpande: I thought it was 60.

Shri Gadgil: Well, that is the Sanatanist conception.

The point is that we must have recorded facts, that a marriage has taken place at a particular time and that marriage now being registered for this purpose has, as a result of social consequences, so many children born, so many dead and so many living, so that we can in that relevant period of a man's and woman's life find out what would approximately be the births and thereby arrange an entire economic programme which we want to evolve. Otherwise, if we do not do it now, some years hence we will be faced with a situation which will be very difficult to get over and will be overwhelming.

Whenever there is any progressive measure, it is always the good peasants and the ignorant masses who are thrown at our face, by saying 'They do not want it'. I remember, Sir, in 1936 when my friend, Mr. B. Das moved his Bill to increase the marriageable age of girls, there was a huge opposition. We carried it through and when I went to Poona, all the Congress workers said: 'What have you done?

[Shri Gadgil]

There are the Local Boards' elections coming. We will lose, because everybody says that the Congress through Mr. Gadgil has done this, that and the other. What will happen?' (*Interruption*). I said: 'Don't worry. I will go and meet them'. Mr. More knows it very well. I collected the peasants and asked them. I have been a pleader, not a very big pleader like my friend, Mr. Chatterjee.

An Hon. Member: He is an advocate.

Shri Gadgil: I found that out of 100 documents of mortgage or sale in the rural areas, about 90 per cent. contained this provision, that the money is borrowed for the purpose of observing the 'Shradh Divas' or for the purpose of daughter's marriage. I asked them: 'Look here. Don't you think that by raising marriage age from 13 to 14 or from 14 to 15, I have prevented your land being mortgaged for at least one year?' They said: "हां, काका साहब, हे चांगला हैं।" They immediately understood the economic aspect of it, and the result was that out of 54 seats, the Congress won 48.

Shri Syamnandan Sahaya: What has Mr. More to say to that?

Shri Gadgil: He will agree with me. He was with us then.

The point is that because the people are ignorant and are not able to express, therefore, anything can be predicated as coming from them. My friend, Mr. Chatterjee.....

Mr. Deputy-Speaker: Does it mean that if no marriage is celebrated, then there will be no mortgage at all?

Shri Gadgil: No, no. The answer to your query is, Sir, that in the peasant's life these are the two important occasions when he has to run to the *sowcar*. I do not want to accuse Mr. Chatterjee by saying that his opposition originates from a desire to help the *sowcar*. I am not accusing him of that just now. But the point is that he said that he has a mandate to oppose all social reforms.

Shri V. G. Deshpande: No, no.

Shri Gadgil: That was the specific issue so far as his election was concerned. I can with equal emphasis say that throughout in our province we openly said:

> 'The Hindu Code will be passed. If you want to help us, help. Otherwise, don't help'.

Shri N. C. Chatterjee: What happened in Allahabad?

Shri V. G. Deshpande: Pandit Nehru never said so.

Shri Gadgil: Therefore, it makes no political argument because one individual out of 500 was elected on this issue. There are dozens of us who have been elected on issues which we justify and in pursuance of these our support of this Bill is coming forth.

The point really is that there are other matters such as, what should be the religion of the children born of this sort of marriage. If we accept those provisions with respect to property, what should be the rights of children born before the registration or born of a wife who is already dead? These are the points which can be thoroughly gone into in the Select Committee. Similarly, there are certain points made by Women's Associations from Bombay and Sangli in which one of the grounds for objection should be 'suffering from venereal diseases, this that and the other'. (*Interruption*). And they also insist that before the marriage officer allows the parties to be married, each party must produce a medical certificate. That is a good suggestion.

Shri Syamnandan Sahaya: Only it would mean Rs. 16.

Shri Gadgil: It would increase the practice of Dr. Khare.

Dr. N. B. Khare: Oh, yes.

Shri Gadgil: It is a good suggestion. I think the Select Committee should certainly go into it.

Dr. N. B. Khare: Not only my practice, but Mrs. Gadgil's practice also.

Shri Gadgil: Unfortunately for me, she does not practice. The point is that in this Bill.....

Mr. Deputy-Speaker: Personal references, however interesting, may be avoided.

Dr. N. B. Khare: For all, Sir.

Mr. Deputy-Speaker: Mr. Gadgil did not anticipate that he would be given that.

Shri Gadgil: The point really is that there is nothing in this Bill which is against Hindu Dharma or the spirit of Hindu civilisation. It may be said with equal emphasis that it does not got far enough, as was said by Mrs. Nehru, that it is purely permissive, it is restrictive and it is a trifle in the background of present needs and expectations. Mr. Chatterjee wants that the whole Code should be brought When the whole Code was brought before the House, they said: 'Oh, it is too much. Why not go bit by bit?' So, whatever you do, the line of opposition that one saw in 1837 when the Abolition of Sati Act was passed is still continuing here.

Shri Syamnandan Sahaya: Sanatana Dharma.

Shri Gadgil: Fifty years hence when the institution of marriage will be abolished, if the Hindu Mahasabha survives, it will be the same.

Shri V. G. Deshpande: No, no. Sati Act will come.

Shri Bhagwat Jha Azad (Purnea *cum* Santal Parganas): All civilisations perished but the civilization of India lived.

डाक्टर राधाकृष्णन् के भाषण का यह उद्धरण इस सदन के सामने श्री एन० सी० चटर्जी ने रक्खा है, उन्होंने यह कहा है कि हिन्दुस्तान की सभ्यता और संस्कृति आज तक जीवित है और उन्हों ने अन्य देशों का उदाहरण दे कर बतलाया कि उन की संस्कृति और सभ्यता का आज कहीं नामोनिशान नहीं, वे मिट गयीं, मैं उन के इस उद्धरण से, उन की भाषा से और उन के इस विचार से सहमत हूं, लेकिन मैं उन को बतलाना चाहता हूं कि आज अगर हिन्दुस्तान की सभ्यता और संस्कृति जीवित रह सकी है, तो वह उस कारण जीवित नहीं रह सकी है कि जो कारण श्री एन० सी० चटर्जी ने हमारे सामने रक्खा है, इस का कारण तो यह है कि हिन्दू संस्कृति इतनी महान और उदार है कि उस ने अपने कानून को इतना फ्लेक्सेबल और बढ़ा रक्खा जिस में समय समय पर आवश्यकतानुसार परिवर्तन होते रहे। उन्हों ने यह भी बतलाया कि हिन्दुस्तान में पश्चिम के दरवाजों से शक, हूण, गोरी, गजनी और सिकन्दर आदि आये, मैं भी इस को मानता हूं कि ये सारे के सारे यहां आये और चूंकि हिन्दू धर्म के दरवाजे बन्द नहीं थे और वह इतना महान और उदार था कि उस ने शक, हूण आदि विदेशियों को अपने में मिला लिया और आज वह जातियां कहीं देखने को भी नहीं मिलतीं और यह इसलिये संभव हो सका कि हिन्दू धर्म और हिन्दू संस्कृति ने आज तक अपने कानून को किसी सीमित दायरे में नहीं बांधा और चूंकि उस का क्षेत्र विशाल और उदार रहा, इसलिये समय समय पर जैसी जैसी परिस्थितियां आईं, उन के अनुसार हम ने अपने धर्म और कानून में सुधार किया।

कल हमारे एक मित्र श्री नन्दलाल शर्मा ने हिन्दू धर्म की परिभाषा की और जो परिभाषा उन्हों ने हिन्दू की की, मैं उस से शत प्रति शत सहमत हूं। मैं मानता हूं कि हिन्दू वह है जो बहादुर है, हिन्दू अपने से सब बड़ों के आगे सिर नवाता है, और धर्म को मानता है, लेकिन मैं उन से पूछना चाहता

[श्री भागवत झा आजाद]

हूं कि आप के धर्म की परिभाषा क्या है । क्या आप के धर्म की परिभाषा यह है कि आप एक नवयुवक का एक नवयुवती से विवाह करा दें, और उस नवयुवती ने अपने पति की परछांई तक भी न देखी हो ? आप माता पिता के अधिकारों के नाम पर बलपूर्वक उस अनजाने नवयुवक के साथ उस नवयुवती का विवाह करा दे और भले ही वह लड़की जन्म भर अपने कर्म को ठोकती रहे। आज भी देहातों में अनमेल विवाह होते हैं और बिना एक दूसरे को देखे हुए लड़के और लड़की को विवाह के बंधन में बांध दिया जाता है और इस का परिणाम यह होता है कि अक्सर ल की की जिन्दगी खराब हो जाती है और आज भी माता पिता के अधिकारों के नाम पर और हिन्दू संस्कृति के नाम पर एक नवयुवती का विवाह लाठी टेक कर चलने वाले वृद्ध के साथ कर दिया जाता है, अगर हिन्दू धर्म इसी को कहते हैं तो हम इसे दूर से नमस्कार करना चाहते हैं और मैं आप को बतलाऊं कि इस कानून के अनुसार हम सिर्फ इतना करने जा रहे हैं कि एक स्त्री अपनी मरजी से अगर किसी पुरुष से विवाह करना चाहती हो या कोई पुरुष किसी स्त्री से शादी करना चाहता हो, तो वह मैरिज अफसर के सामने जा कर अपनी मैरिज को रजिस्टर करा सकते हैं । मैं नहीं समझता कि जैसे श्री एन० सी० चटर्जी ने कहा इस कानून द्वारा हम हिन्दू धर्म पर प्रहार कर रहे हैं । श्री नंद लाल शर्मा ने हिन्दू और हिन्दुत्व के नाम पर कल बहुत शोर मचाया, मैं भी उन्हीं के समान अपने को हिन्दू मानता हूं और अपने हिन्दू होने पर और हिन्दु संस्कृति पर मुझे भी गर्व है, लेकिन इस का यह अर्थ तो नहीं हो जाता कि हम समय और परिस्थिति से आंखें मूंद लें और आवश्यक सामाजिक ुधार न करें ।

कल श्री वी० जी० देशपांडे ने पंडित जी के निर्वाचन क्षेत्र इलाहाबाद का जिक्र किया और कहा कि चुनाव के मौके पर पंडित जवाहरलाल नेहरू ने इलाहाबाद में यह कहा कि हिन्दू कोड बिल ईश्यू नहीं है, और शायद यह पार्लियामेंट में आयेगा ही नहीं और इसी का जिक्र करते हुए श्री नन्द लाल शर्मा ने कहा कि पंडित जी ने जब देखा कि जनता हिन्दू कोड बिल की इतनी विरोधी है, तब उन्हें यह शब्द लाचार हो कर कहने पड़े कि मुझे नहीं मालूम था कि जनता इस बिल के उतनी विरुद्ध है । मैं इस के लिये चुनौती देता हूं अगर पंडित जी ने ऐसा कहा हो और मुझे तो याद है कि जब पंडित जी इलाहाबाद आये, तो उन के विरोधी उम्मीदवार श्री प्रभुदत्त ब्रह्मचारी जी ने यह आफर पंडित जी को दिया था कि : I will leave the contest if Panditji could give an assurance that he will not introduce the Hindu Code Bill. और पंडित जी ने उस का यह जवाब दिया था कि : All that I can assure him is that I will introduce the Hindu Code Bill. इस से साफ हो जाता है कि किस ईश्यू पर वहां चुनाव लड़ा गया था और उस चुनाव का जो परिणाम निकला, वह सब को ज्ञात है । आज हम पर यह आक्षेप लगाया जाता है कि हम ब्रूट मैजारिटी में होने के कारण जो चाहते हैं करा लेते हैं, लेकिन मैं अपने उन दोस्तों को चेता देना चाहता हूं कि जो जाति और धर्म जमाने की रफ्तार के अनुसार अपने में सुधार और परिवर्तन नहीं करता है, वह जाति और धर्म भले ही अतीत में कितना महान् धर्म क्यों न रहा हो, उस का पतन अवश्य होगा और आज जो यह दलील दी जा रही है कि ऐसा कानून पास कर के हिन्दू धर्म और संस्कृति पर आघात किया जा रहा है, यह बिल्कुल

गलत और बेबुनियाद है। हमारे श्री एन० सी० चटर्जी और देशपांडे साहब ने कहा है कि धारा १४ के जरिये हिन्दू धर्म पर महान् आघात हो रहा है। धारा १४ में तो सिर्फ यह दिया है कि कोई शादी जो इस कानून के बनने के पहले या बाद में हुई हो, वह भी अगर चाहें तो अपनी शादी को मैरिज अफसर के पास जा कर इस क़ानून के अन्दर रजिस्टर करा सकते हैं। मैं समझता हूं कि इस में कोई ऐसी बात नहीं है जिस का इतना विरोध किया जाय, अपनी शादी इस एक्ट के मातहत रजिस्टर कराने के लिये किसी पर जबरदस्ती नहीं है, यह उन की मरजी पर निर्भर करता है, यह तो एक परमिसिव लेजिस्लेशन है। और मैं समझता हूं कि इस धारा पर आपत्ति करना उचित नहीं प्रतीत होता। इस में किसी के ऊपर जबरदस्ती नहीं है कि वह अपनी शादी को इसमें रजिस्टर अवश्य कराये, अगर उन की ऐसी इच्छा हो अथवा डाइवोर्स की जो इस में सुविधा है, उस का प्रभीजन वह चाहते हों, तो वह अपनी मरजी से उस में अपने को रजिस्टर करा सकते हैं अन्यथा नहीं। मैं नहीं समझता कि इस धारा का क्यों विरोध किया जा रहा है, जब यह धारा किसी विवाह किये हुए दम्पती को इस के लिये मजबूर नहीं करती है कि वह इस ऐक्ट के मातहत अपनी शादी को रजिस्टर कराये और ओथ ले, वह कर भी सकते हैं और नहीं भी कर सकते हैं।

मैं समझता हूं कि यद्यपि यह कानून सुधार के हेतु इस सदन के सामने लाया गया है, फिर भी मेरे विचार में यह कानून पूर्ण और पर्याप्त नहीं है और इस कानून में सन् १८७२ का जो स्पेशल मैरिज कानून था, उस की बहुत सी बुराइयां इस में बाकी रह गई हैं। उदाहरण के लिये मैं आप का ध्यान इस बिल की धारा १८ की ओर दिलाना चाहता हूं जिस में यह दिया हुआ है कि इस तरह के विवाह के उपरान्त उस शख्स का उस के परिवार से विच्छेद हो जायेगा, मैं समझता हूं कि विच्छेद का प्रश्न आप परिवार के ऊपर ही छोड़ दें। अगर मेरा लड़का है और वह इस ऐक्ट के मातहत अपनी शादी करता है, तो उस को परिवार से अलग करने का मामला आप मुझ पर छोड़ दें कि मैं अगर चाहूं तो उस को परिवार से अलग कर दूं। एक तरफ तो आप उस को इस प्रकार से विवाह करने का अधिकार देते हैं और दूसरी तरफ आप उस का अधिकार छीनते हैं कि वह अपने परिवार से अलग हो जाये, उस का अपने परिवार से विच्छेद हो जाये, यह मेरी राय में उचित नहीं जंचता और इस धारा को इस विधान में नहीं रहना चाहिये था।

२०वीं धारा के अनुसार आप यह कहते हैं कि जो लोग इस ऐक्ट के अन्दर अपनी शादी करेंगे अथवा रजिस्टर करायेंगे, उनको गोद लेने का अधिकार नहीं होगा। मैं समझता हूं कि इस प्रगतिशील विधेयक में यह सब से बड़ी अप्रगतिशील धारा है। आप क्यों किसी के गोद लेने के अधिकार को छीनते हैं? उदाहरण के लिये मैं किसी की लड़की से जो मेरा धर्म मानने वाली नहीं है, विवाह करता हूं तो मुझ को अगर कोई लड़का नहीं होता तो गोद लेने का मुझे अधिकार होना चाहिये कि मैं गोद ले सकूं। आप उस लड़के के पिता को तो यह अधिकार देते हैं कि अगर उन के और कोई लड़का न हो, तो उस लड़के के माता या पिता को गोद लेने का अधिकार है, लेकिन उस लड़के को जिस ने इस कानून के अनुसार शादी की, एक तो आप उस को परिवार से अलग करते हैं और दूसरे उस को आप गोद लेने का अधिकार भी नहीं देते हैं, मैं समझता हूं कि यह उचित नहीं है और इस प्रगतिशील विधेयक में यह जो १८, २०, २१ और २२ धारायें हैं, यह सारी अप्रगतिशील धारायें

[श्री भागवत झा आजाद]

हैं और इन के रहते इस विधेयक से आप कुछ भला करने के बजाय बुरा ही करेंगे । इस लिये मैं चाहता हूं कि ये धारायें इस विधेयक में से निकाल दी जायें, इन में समुचित संशोधन हो, तभी यह विधेयक वास्तव में अच्छा और लाभकारी सिद्ध हो सकता है अन्यथा नहीं ।

तलाक का जो इस में प्रावीजन किया गया है, वह मैं समझता हूं कि ठीक है । आज पुरुष जाति जब पुरुषत्व के नाम पर और धर्म के नाम पर स्त्री मात्र पर अत्याचार करती है, तो स्त्री को इस दयनीय अवस्था से और अत्याचार से छटकारा पाने के लिये तलाक का अधिकार रहना चाहिये कि वह ऐसे अत्याचारी पुरुष को तलाक दे सके । मुझे वह समय स्मरण हो आता है जब सृष्टि के आदि काल में नारी शक्तिशालिनी थी और फिर धीरे धीरे किस तरह पुरुष ने अपने स्वार्थ हेतु स्त्री के हाथों में सोने की चूड़ियां पहनायीं, गले में जंजीर पहनाई, पैर में जंजीर डाली और कान में बुन्दे पहनाये, किस तरह धीरे धीरे उस को अपने पाश में; दासता के पाश में जकड़ता गया ।

मैं बहुत जल्दी समाप्त करता हूं । मैं समझता हूं कि इस विधेयक की यह जो धारायें हैं, यह अच्छी नहीं है, इन्हें हटा देना चाहिये । इन शब्दों के साथ मैं इस विधेयक का समर्थन करता हूं ।

Shri B. C. Das (Ganjam South): Mr. Deputy-Speaker, Sir, I am afraid that our friends of the Hindu Maha Sabha and the Ram Rajya Parishad are engaged in a shadow fight. They are fighting the ghost of something that has no existence. They should have congratulated the Law Minister for retaining in the Bill those punitive provisions which nullify the tall claims made for the Bill. I am afraid that those friends of ours who talk of religion unfortunately do a distinct disservice to religion. I am reminded of Tagore when he says: "Bigotry tries to keep truth safe in its hands with a grip that kills it." Our friends in the name of religion want to perpetuate injustice. By that they defame religion, they do positive disservice to religion. That is the point. Our friends of the Hindu Maha Sabha and the Ram Rajya Parishad are the persons who are discrediting religion today because they want to have a religion that will not be in keeping with the times. But my understanding of Hindu religion is that Hindu religion could grow, could survive and serve the needs of the times because it had adaptability. Our present weakness is lack of that adaptability. When we can adapt ourselves to changing conditions, we can improve, our religion can grow, our social customs can grow. Whatever is good for us we should cherish, but unfortunately, our friends want to cling to those obscurantist ideas which hinder our progress.

They should have been obliged to the Law Minister because the provisions in the Bill are such that no Hindu who wants to remain a Hindu will take advantage of this Bill. Let me go into certain of the provisions—those provisions which really will dissuade a person from taking advantage of this Bill.

We know according to the 1872 Act one had to declare that he had no faith in the Hindu, Muslim or Christian form of marriage. That declaration he had to make. But now, according to this Bill he need not make such a declaration, he need not renounce his religion, but all the rights that a Hindu can enjoy are denied to him. His rights are taken away from him by Part IV of the Bill. Just like our Constitution where we say that all people have the right to employment but that right is not enforceable in law, so also here we have the right to call ourselves Hindus, but if we take advantage of this Act, we forego some of the rights of Hindus.

First, there is Clause 18 which will force severance of the individual from the joint family. Whether you like it or not, whether your parents like it or not, you will be forced to sever from the family. That is there.

Then Clause 19 declares that such a person who will take advantage of this Bill will have no right to any religious service, religious office or management of any charitable trust. What does this mean? Does it not impose such restrictions on a person that he would be branded as an outcaste? He will cease to be a Hindu in practice. Then how can you say in the same breath that you are allowing Hindus to retain their religion and at the same time take advantage of this Act. It is blowing hot and cold in the same breath, giving the right with the one hand and taking it away with the other.

Then you have no right to adoption. You may not have children, but you cannot adopt a son. If you want "Shraddha" to be performed, it cannot be done because the law ordains that you cannot adopt a son.

Then Clause 21 says that if a person marries, his parents will have the right to adopt another son. Then, is he considered legally dead? Why this provision? Then you really do not want a Hindu to take advantage of this Act.

Unfortunately there is Clause 23 which deprives you of the personal laws of Hindu religion. How on earth, with these handicaps and hurdles can you call this Bill progressive? How can you say that this Bill enables Hindus to take advantage of it? I know this contractual marriage, this marriage by registration, is cheap and economical. It is a fact, but when one wants to adopt some economical way and save expenses in these difficult times, you impose such restrictions, you brand him as an outcaste, you segregate him from society, and that is the great drawback of this Bill. The Law Minister should have come forward and said that we should live in 1872 even in the year 1953. In 1953, the provisions of 1872 are simply embodied in the Bill. He calls it a new Bill, a brand new Bill, but actually it is an Amending Bill, and 80 or 90 per cent. of the old Act is retained here. The mind of 1872 governs this Bill, and the draftsmen of this Bill.

This is the first bell. I want two minutes.

Mr. Deputy-Speaker: The first bell is the second bell.

Shri B. C. Das: And another thing I take serious exception to is the idea that the guardian's permission should be sought for the marriage. That shows the feudal conception of the draftsmen of this Bill. In feudal society, the head of a Hindu family was the arbiter of the destiny of all its members. Now, because a boy is below 21, he will be forced to take the permission of his guardian. We know what old people do. With their ideas of a dead past they want to govern the future of the children. I would not like Mr. Nanda Lal Sharma to govern the future of my children or the future of my country. People who live in the 18th or the 17th century have no right to determine the destiny of our children. They belong to the dead past. There they should remain.

I hope when the Select Committee goes into this Bill it will shear off all those objectionable features and modernise this Bill and present it to the House.

Shri J. R. Mehta (Jodhpur): Mr. Deputy-Speaker, Sir, a lot of feeling and controversy has arisen about this Bill in this House and in the country. It is difficult to eschew emotion and feeling in considering a measure of this sort, and yet I feel that it is up to this House to consider the matter dispassionately.

Let me submit, Sir, at the outset that in the world of today and also in the world of tomorrow wherein all barriers of intercourse and contact between nation and nation, born of

[Shri J. R. Mehta]

distance, are fast dwindling away and when men and women of different nations are being brought into closer contact with each other in all the spheres of life, in arts, in sciences, in commerce and business, and even in war, the number of marital alliances between men and women of different nationalities or communities or races are bound, from the very nature of things, to increase, whether we will it or not. This is a fundamental point, Sir, which we should bear in mind in deciding our attitude towards this Bill.

Now, Sir, if we concede the inevitability of the increasing number of marriages of this nature, the question naturally arises—shall we refuse to recognise these marriages as valid marriages? The answer will have to be no, if only we consider what will be the effect of such a negative attitude on the progeny born of such alliances. By no canons of equity or social justice can we throw them into the streets as it were, carrying the stigma of illegitimate children, even though their parents might have maintained the highest standards of married life that any existing form of legal marriage might stipulate, with no status in life, with no right of inheritance and other rights which children born of legal wedlock could claim.

I would submit, Sir, that if we consider this Bill dispassionately, it is an improvement of the legislation of 1872 which already exists on the statute book and was enacted as early as 1872. Now, if we compare the provisions of the two measures, we shall definitely come to the conclusion that this Bill is an improvement on the Act of 1872 in so far as, according to this measure, one need not renounce his religion in order to contract the special form of marriage provided under this measure.

But, having conceded that to this extent, this measure is an improvement on the existing law, let us look to the other side and let us take into account the objections which have been raised and which can be raised in respect of the provisions of this Bill. At this stage, I do not propose to take a very long time of this hon. House by going into the subject in detail, but, I will just try to enumerate in brief a few points for the consideration of the Select Committee, which, I am sure will bring its wise judgment to bear on it when they consider it.

In my humble opinion, Sir, this Bill is open to the following objections. Firstly, it is objectionable so far as it seeks to bring marriages already solemnised in other forms within the purview of this Act. I refer to section 14, Sir. This, in other words, tantamounts to allowing people to repudiate the duties and obligations they have already undertaken upon themselves. The very idea of repudiating one's duties and obligations, particularly when they have been undertaken solemnly, should be repugnant to all civilised canons of decency and public behaviour. I respectfully ask the hon. Members to consider, irrespective of party, how many of them who have solmnised marriages under the existing law would themselves like the idea of having their own marriages re-registered under this law. I would request them, if they were inclined to answer my question in the affirmative, to consult their worthy spouses before they can announce a decision.

Another objection, Sir, to which this Bill is open is that it provides for a compulsory severance from the family of the person who contracts a marriage under this Bill, in case he is a Hindu, Buddhist, Sikh or Jain in religion. As hon. Members must know, Sir, all sections of this House have failed to appreciate the wisdom of this clause. I submit, Sir, that this is a provision which makes an inroad on the Hindu personal law by the backdoor.

Similarly, Sir, the provisions of the Bill so far as they deny to the persons

whose marriages are solemnised under this Act the right of adoption or in so far as they allow the father of such a person to adopt another son, seem to be open to serious objections. Paradoxical as it may seem, these provisions as also the provision of section 18 are equally offensive to both the orthodox as well as the so-called reformist opinion. As hon. Members must have noticed, both these provisions have been opposed by both the orthodox and the reformist opinion.

Mr. Deputy-Speaker: The hon Member must finish soon.

Shri J. R. Mehta: I hope, Sir, the few observations that I have made will be taken due note of by the Select Committee when they bring their wise judgment to bear on the provisions of this Bill.

Shri U. M. Trivedi: Mr. Deputy-Speaker, Sir, so far as this measure goes, it is merely a picture of bad drafting and bad conception. In 1872, we had the Special Marriage Act and that Act has been in force for nearly 81 years now. Have we obtained any statistics to show that the purpose for which that Act was passed has been served or has it become infructuous, or a necessity so great has arisen as to change the law in the language in which it is desired to be changed.

Shri Velayudhan (Quilon *cum* Mavelikkara—Reserved—Sch. Castes): The Bill was circulated.

Shri U. M. Trivedi: It might have been circulated, but it does not matter. Please don't disturb.

The Bill has been brought before the House without proper thought. In 1872, when this Act was brought into force and when this question of prohibited degree was put down, we had before us a picture only of the British. Not necessarily the old debates, but the reports that are there bear this view that the conception was entirely British and that the conception was that of the Christians. Unfortunately, we have no law of incest in India. Why is this law of incest absent? Because, we people live a particular mode of life where it is inconceivable to enter into marriages which can be called incestuous. The prohibited degree therein was only as it has been put down here in this Bill *viz.* that the two parties are said to be within the degrees of prohibited relationship if one is a lineal descendant of the other or was the wife or husband of a lineal ascendant or descendant of the other, or if the two are brother and sister, uncle and niece, aunt and nephew or the children of two brothers or of two sisters. Now, Sir, this is exactly what the law of incest says in England. There, if you enter into such a marriage, under the Punishment of Incest Act, a man and woman are equally liable to be punished to not less than 3 years' penal servitude and to a servitude not exceeding 7 years. We have not got such a law. We had a particular conception of incest and what was that? Under the Hindu law, we had this conception of not marrying up to 7 degrees on the paternal side and 5 degrees on the maternal side. That is covering the exact proposition of incest so far as we are concerned. Incest correctly defined is not what is conceived by certain people, but I will just give you the definition.

> 'Incest is illicit sexual relationship between persons within the degree of consanguinity excluded from such relationship by socially determined regulations.'

What are our socially determined regulations? They had put down 7 degrees on the paternal side and 5 degrees on the maternal side. It is at this you are hitting. Sir, I bring it to your notice that on the one hand—Kaka Sahib Gadgil is not here; he was waxing very eloquent on the question of freedom for marriages and in the enjoyment of freedom, everyone was to concentrate on marriages. Do you think by providing for more and more marriages we will be able to drive out all the potential enemies of our country? Is it the

[Shri U. M. Trivedi]

freedom of marriage that is the only freedom that we are to enjoy in this country? It was a very hollow argument and we must concede this point that wherever we have got such marriages which are performed in a sort of endogamous manner, that is to say, which are of the same type as are obtainable amongst the Semitic people, amongst the Arabic people, etc., they result in growth of fertility and it is such marriages which bring more and more children; it is such marriages which ruin our country and it is in the interest of the country to see that these things are looked into in this new law. If you want to enact this law, it is to look at it on this basis. Simply because some of us have come on the Jan Sangh ticket, some on the P.S.P. ticket, some from the Hindu Mahasabha, and so on, and speak on this Bill, some people have developed the idea that we are all out-moded persons, to whom every enactment means retrogression of a particular type or demoralisation of a particular type and to them it is not retrogression but progression if we follow everything that is British, everything that is Russian—it is such people who should mind their business first and should look into the Bill to find out whether the law that you are going to enact in this Parliament is a law of really progressive nature or whether it is merely a retrograde measure. Some people say "Why do you care for those who are going out of your society? You are not concerned with them." I say we are certainly concerned with them. Who will be the seceders? Our own children. Are we not going to be careful about them? For the benefit of whom, for the good of whom are they going? Is posterity going to come here and talk about itself or plead for them? It is surely our duty that we should at this stage raise our voice about what is going to happen to them.

Again you have provided in this law that those who are already married can again come and get their marriage legalised under this Bill. Why is it? Is it not a mockery of the Hindu law of marriage. We are adopting a particular method of marriage; we are married already and we are in a married state. How many Hindu wives are there who are going to enter into this form of marriage again. In persuasion of her husband's orders or for any reason the lady may be forced to give her signature, but what would she know? Would she know why she is signing and what it means? She would not know for what particular reason the husband is getting her to sign. Difficulties of this kind would arise. Suppose a boy is obstinate and desires to have a particular mode of marriage and everybody objects to his getting married under the Hindu Law in that way. Then he enters into this form of marriage. He is immediately deprived of his paternity and his children are also deprived. It is not necessary that a truant's son is going to be a truant. A bad man's son may be a good boy. Why deprive the grandson of his right to the paternity? What sin has that boy done? Why do you want to leave away a boy like this? You have certainly not applied your mind to this Bill. You want to please those who are communists? You want to please also those who are communalists? Whom do you want to please by this Bill, you cannot make up your mind one way or the other? You cannot make up your mind as a firm legislator. What is required for a firm legislation is that you must first find out what are the principles, ordinary principles, in enacting a particular law. Whenever you are going to inflict a sort of punishment or have some sort of inhibitions imposed upon the subject, as wise legislators you must always find out whether or not there is a great clamour for providing such a law. Who has clamoured now? How many women's societies or associations have clamoured for it? How far did they represent? You will take down the list of the lady members who are members of these associations and you will see that they do not represent more than 11073 women in

the whole of India. Are we going to make a law and decide for them—17 crores of ladies are to be governed by these 11073?

Mr. Deputy-Speaker: How did the hon. Member calculate correct to the last digit?

Kumari Annie Mascarene (Trivandrum): He may have excluded most of us from this list.

An Hon. Member: Included.

Shri U. M. Trivedi: The objectionable practice should be productive not merely of evils, but of evils so great as to counterbalance the suffering, direct and indirect, which the infliction of any inhibition necessarily involves. That is one fundamental thing that must be looked into. "And even if an inhibition is found to satisfy intrinsic conditions of illegality, the law-giver should not prohibit it until he has ascertained to what extent it is reprobated by the current feelings of the community."

It is most desirable, Sir, to know from whom they have obtained these opinions. They have avoided sending out this Bill for opinion to those persons who may put objections. I do not want to criticise it. I do not know how very nicely it has been manoeuvred that only those whose views are very well known as in favour of the Bill, are the persons who are put down in the Select Committee. Similarly it must have been manoeuvred and the Bill must have been sent out to only such persons from whom only favourable opinion could be expected.

Shri Syamnandan Sahaya: Have the wives of the Members of Parliament been asked?

Shri U. M. Trivedi: No, Sir. Whether it is fair or not fair, the hon. Minister for Parliamentary Affairs knows all about it. We have got eminent lawyers here who can legislate nicely, who can give opinions nicely. Mr. More might have been put down in the Select Committee list, but I do not want to give names here, because that would be individualising; all such persons have been avoided here. To those who go against the wishes of the Government, these Bills were not sent and their opinions were not asked for. This thing has happened in the case of this particular Bill. Why this divorce act business here? At one stroke what you have done is this—I do not know if the party has manoeuvred—you have brought in the problem of divorce. This Bill again speaks of a man being dragged in for bigamy. I am not for bigamy yet at the same time, I say that the time has not yet come for you to impose your own reformist views by legislation on the question of monogamy. Here is a penal provision. Under that penal provision, you can sentence a man to five years' rigorous imprisonment. You want to impose it by the back door. Without doing that in a proper manner through placing it before this House, you have introduced this by the back door. You should not do it and you should avoid it.

Then, Sir, you have a most insulting phrase in this Bill. How many Hindu women are there who would insult their menfolk or their husbands by addressing them in the second person singular? I haven't heard of this. That poor man is made to say, "I take thee to be my lawful wife," and the woman is made to say, "I take thee to be my lawful husband." Why should this be done? The whole conception of this Bill is wrong. You have not studied the culture of India, and you have not applied your mind at all to this particular proposition before you. I therefore say, Sir, that it is wrong. Some friends were eloquent, and my learned and hon. friend Mr. Jha has also talked about love affairs in his harangue, but it is most irrelevant. We are merely concerned with the law before us and to see how it is applied and what are the implications behind it. We have to study this. There is no great hurry about it. You can take it from me that it is true that some of you have been actuated

[Shri U. M. Trivedi]

by reformist feelings—the reformist feelings are always there. Men like Kaka Sahib Gadgil however are always calculative and every problem to them is in rupees, annas and pies. They say, rupees, annas and pies, and nothing else.

Mr. Deputy-Speaker: The expression "thee" is used before marriage.

Some Hon. Members: After marriage?

Mr. Deputy-Speaker: After marriage, "Thou."

Shri U. M. Trivedi: One friend said that we stand in the way of love marriages. What have love marriages got to do with this Special Marriage Bill? We have 500 Members here. Out of them, 480 are Hindus. How many of them are prepared to say that their marriages are not good marriages, and that they are not very happy, that because their marriages had not been by love but were settled by their parents, they are not happy? Who amongst us here can come and say like that? I say we are very happy with the way in which we are carrying on and the way in which we were married. On the contrary, these love marriages of America and Britain end in a clamour for divorce, because I say, they are not proper marriages.

An Hon. Member: Are you married or not?

Shri U. M. Trivedi: I am married, and happily too.

Therefore, Sir, before we pass this measure, all these factors should be taken into consideration and we should put off this Bill as long as we can.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): I beg to move:

"That the question be now put."

Shri V. G. Deshpande: Mr. Deputy-Speaker, Sir, before we send up this resolution after concurrence....

An Hon. Member: Hindi, Hindi.

श्री वी० जी० देशपांडे : यह जो सहमति के लिये प्रस्ताव रक्खा गया है, उस में प्रवर समिति के लिये जिन सदस्यों के नाम दिये गये हैं उन की अनुमति नहीं ली गई थी । इतना ही नहीं कि जो ग्रुप लीडर्स थे उन से पूछा नहीं गया बल्कि उन्हों ने जिन नामों की सिफारिश की थी उसके विरुद्ध दूसरे नाम दिये गये हैं । मैं समझता हूं कि यह प्रोसीजर नहीं कायम किया जा सकता है ।

Mr. Deputy-Speaker: It does not arise.

Shri Raghavachari (Penukonda): Sir, a point of order. The Business Advisory Committee had approved that two and a half days or three days should be taken for this Bill. The matter was brought before this House and the whole House was told that those days are scheduled for this Bill. Now, all of a sudden, a closure motion is applied, when many people still wish to express their views on the matter.

Shri M. S. Gurupadaswamy (Mysore): Especially when our party has not been called.

Mr. Deputy-Speaker: I am informed that the Business Advisory Committee originally fixed two days for this matter and thought that the entire matter will be discussed here, the opinion of the House taken, and the views of this House communicated to the other House. That opinion will be conclusive even after it returns, there would be no further discussion on the consideration. That was the original intention, and under that impression that time was fixed. Now, the casual opinion of the hon. Members here is that this House is not bound by what happens. Once again, after it comes back, if it is a new Bill sent by that House, the whole consideration will take place, and once again all hon. Members can take part in it. That is the change that has been effected. If they do not want to go behind it, we can only sit for two more hours, and even then according to the Business

Advisory Committee, we have to conclude the discussion today at 6-30. Under the altered circumstances, I leave it now to the House—whether they want to continue, till 6-30, with this Bill.

Shri N. C. Chatterjee: I am afraid you have been misinformed. I was a member of that Committee and we discussed this matter on the footing that there will be no commitment as a result of the discussion. On that basis, Sir, we arrived at that time-table: one day for procedure, and the rest for discussion on the merits, knowing full well that there would not be a decisive vote on that basis. On that basis, we fixed the time. I appeal to you to give us a little more time so that the other hon. Members may have a chance to speak.

Shri Satya Narayan Sinha: I do not think that the recommendations of the Business Advisory Committee in the case of other Bills were strictly followed. In all cases of legislation, the House has always exceeded the time-limit. For instance the Business Advisory Committee decided that these four Bills, namely, the Manipur Court Fees Bill, the Telegraph Wires (Unlawful Possessions) Amendment Bill, the Indian Patents and Designs (Amendment) Bill and the Reserve Bank Bill, which were brought the other day, should be put through within two hours, but we have taken two days for those four Bills. In fact, the House took two days—more than two days—for those four Bills. So, I might say, with all respect, that whenever it suits some hon. Members, the Business Advisory Committee's recommendations are brought in, and not otherwise. The Committee's recommendation should be followed strictly in all cases. I would have certainly raised this point, even otherwise, apart from the point, you have made, regarding the discussion of the principles of the Bill when it comes back from the Joint Committee.

Shrimati Renu Chakravartty (Basirhat): Mr. Sinha was saying that four Bills were discussed. Now, we have been given two extra Bills which were not there when we discussed this Bill at the Committee. I would like to have a categorical assurance from him that he is not going to change the time-table, as far as the Preventive Detention Act is concerned.

Shri Satya Narayan Sinha: The Prime Minister has made the point very clear. We want this closure to be applied now to this discussion, because we want to give more time for the Preventive Detention Act. Of course it is open to the House to decide on this. If the House does not accept the closure but wants to discuss it the whole day, we may not have sufficient time for the Preventive Detention Act. We have to adjourn by the 24th. We cannot find time more than one full day for the Preventive Detention Act. That matter must be made clear to the House. We have no objection to continue the whole thing till 6-30, but in that case, there is every likelihood of the House not getting more time for the Preventive Detention Act.

Shrimati Renu Chakravartty: How can you bring in new Bills now? Instead of keeping to the time-table, you have brought in two other Bills.

Shri Satya Narayan Sinha: I hope the hon. Member will realize that this is so important: 80 or 90 Members are going to be unseated.

Shri V. G. Deshpande: That is not for the Congress only: there are other Members also.

Shri Satya Narayan Sinha: These are unforeseen things. We never could foresee that this contingency would arise. It is because of some judgment of the Supreme Court that we have to bring that here.

Dr. Rama Rao (Kakinada): The P.S.P. has not been given any chance.

Shri M. S. Gurupadaswamy: Again and again, it is so.

Shri Radhelal Vyas (Ujjain): It may be extended by half-an-hour.

Mr. Deputy-Speaker: I have listened to all the points that have been raised. Some hon. Members of the P. S. Party are on the Joint Committee: I will now put the question.

Shri M. S. Gurupadaswamy: We have not been given any chance.

Shri Raghavachari *rose—*

Mr. Deputy-Speaker: If I had been informed earlier, as the Members of the Communist Party had done and had given their names, it would have been well. The Independents also gave a particular name and I called them also. Just when I was thinking of applying the closure, a short time before this, Mr. Gurupadaswamy told me that his party has not been called. I request all the Members to be alert.

The question is:

"That the question be now put."

The motion was adopted.

5 P.M.

Shri K. K. Basu (Diamond Harbour): I understand there was a direction of the Business Advisory Committee....

Mr. Deputy-Speaker: All that has beeen said.

Shri K. K. Basu: But what is going to be done, let us know.

Mr. Deputy-Speaker: It is always open to the House to come to any conclusion it likes regarding the time table. The matter has been fully explained by the hon. Minister of Parliamentary Affairs and in view of the changed situation, the House has agreed to apply closure. The hon. Law Minister.

Shri Biswas: Sir, as a matter of fact when day before yesterday I moved this Motion, I had not had the chance of uttering a single word beyond moving it. Points of order sprang up on all sides and I was hushed into silence. But I am glad that the merits of the Bill have been discussed on the floor of the House yesterday and today and most of the points which required clarification have been referred to by hon. Members in the course of the debate. I would, therefore, only stress one or two points which have possibly been overlooked by hon. members.

Sir, this Bill is a permissive measure; there is no compulsion that any Hindu or anyone following any other religion shall be bound to marry under this Act. If he marries under this Act, then certain consequences follow. What those consequences are have been set out in the Bill. In this respect, Sir, this Bill reproduces most of the provisions which you find in the Act of 1872. But the fundamental difference between the Act of 1872 and the present measure is this.

The Act of 1872, as we all know, was passed at the instance of followers of Brahmo Samaj, founded by Raja Ram Mohan Roy. The point that was raised was whether the forms of marriage which they devised and which were different from the orthodox forms as laid down in the Hindu scriptures, could be regarded as valid marriages. They took the opinion of the then Advocate-General Mr. Cowie. Mr. Cowie gave the opinion that as the sanctity of custom could not be invoked in favour of this form of marriage which the Brahmos introduced, the marriage was invalid. That led to petitions to Government by members of this community. The result was the Act of 1872. The Government said: "Look here, if that be so, let the Bill be passed, but as you are objecting to follow the Hindu customs or Hindu law or Hindu religion, the parties to the marriage have to give a declaration that they are not Hindus. The scope of this was extended to other religions also, like the Sikhs, Jains, etc."

Things went on. But although there was provision in the Act for declarations and declarations were signed by the parties, in most other respects

they continued to follow Hindu observances. The declarations themselves in most cases were false. The matter, therefore, went up to the Privy Council. The Privy Council gave the opinion that departure from orthodox forms of Hinduism will not make a person a non-Hindu. Fortified with that, parties went on marrying under the Act, but claiming succession under the Hindu law.

In 1923 Sir Hari Singh Gour said: "What is this? You are perpetuating a law which forces people knowingly to make false declaration! They have got to say—we are not Hindus; we are not Muslims." What he did was to introduce an amendment by which the necessity of making such a declaration was done away with. In other words, people who belonged to these religions could marry under that Act. They had not to forswear their religion. They would adhere to their religion and still they would be entitled to marry. Of course, that was an optional measure: whether they should marry under the Act of 1872 or not, that was entirely for them to decide. But if they married under that Act certain consequences followed. The main consequences were, it was to be a monogamous marriage. If the man or woman had a spouse living they could not marry under this Act. If they married they would be subject to divorce—the law of divorce would apply. These fundamental changes were made in the Act of 1872 and things remained there.

Sir, the merit of this Bill is this. Some of my friends may call it a demerit, but I claim it to be a merit, because it gives effect to the Directive Principles of the Constitution. One of the Directive Principles is that we should aim at a uniform code. This I claim is the first step in that direction. We are now providing that it is not necessary that the parties to the marriage must both be Hindus or Muslims, or followers of the same religion. It should be possible, if this Act is passed, for any two persons, one a Hindu and another a Muslim, to marry. This represents an advance upon the existing law and that is the main direction in which this measure differs from the existing law of 1872.

It has been asked: why not introduce an amending Bill, a short Bill amending certain sections of that Act? Government's main objective was to emphasise this fundamental change which they were making, and this could be achieved more by bringing forward an independent Bill. Certain other changes have also been introduced. Take for instance, the question of marriages celebrated outside India. Now, under this measure if both parties are Indian citizens, it should be possible for them to solemnize the marriage before a Counsular or Ambassadorial officer. There are certain other respects also in which some changes have been made. One important change is this. It should be open to anyone who was married in any other form under their personal law to apply that that marriage may be registered under the provisions of this measure.

Shrimati Sushama Sen (Bhagalpur South): It is not compulsory.

Shri Biswas: It shall be open to him. I do not mean to say everyone will do it. Those who follow the lead of my hon. friend Mr. Chatterjee will not probably do it. So far as he is concerned, it is too late for him to try. But it will be open to persons of any religion whose marriage has been solemnised under some other law to apply for the registration of their marriage under this Act. If that is done, it will automatically attract the provisions of this Act. In other words rights of monogamy, divorce, etc., will be acquired by these persons.

Shri V. G. Deshpande: Will the Law Minister do it?

Shri N. C. Chatterjee: The Law Minister is a widower.

Shri Biswas: You can leave it to the Law Minister to find his chance. My friends need not be so anxious

[Shri Biswas]

about the Law Minister. He can take care of himself.

Then, Sir, while introducing these changes we have incorporated in this Bill all the other provisions of the existing Act of 1872. The main reason was this. That Act was passed in 1872. It is now 1953. Much water has flowed down the Ganges. That is why at an earlier stage I moved a motion for circulation. The object was to find the reactions of the public as regards the other provisions of the Act—in what respects the public want any change in the other provisions. That is why you find sections 18 and so on. If my hon. friends will refer to the statement of objects and reasons they will find it clearly stated which of the clauses are a reproduction of the existing law. It is made perfectly clear. It is not as if we are concealing or smuggling something without drawing attention to the fact. We have purposely incorporated the provisions of the existing Act in respect of many matters, the object being to test public reaction. And now the matter will go before the Joint Select Committee. It will be open to the Joint Select Committee to consider all these points which have been raised by hon. Members on the floor of this House. Similar questions had been raised on the floor of the other House. And there also I said that these are matters which could be easily thrashed out. Government is not committed so far as these other points are concerned.

Shri Syamnandan Sahaya: It is only committed to the point of divorce.

Shri Biswas: Committed to the general principles. But so far as details are concerned, for instance as regards the question whether in the case of Hindus marrying under this Act it will effect severance from the family, that is a question on which I had my own doubts.

Shri N. C. Chatterjee: What about the applicability of the Indian Succession Act?

Shri Biswas: As a matter of fact this was specifically referred to, survivorship, Succession Act—whether this will apply to Hindus or that will apply, and so on. We have to consider those questions. We are fully aware of them. But these are matters of detail. In order to serve as a basis of discussion in the Select Committee we have just reproduced in this Bill those provisions. We were actuated by the consideration that this Act has been in force for so many years. Statistics are not available and I did not try to collect statistics. But it does not matter. It was not necessary that we should show that there was a demand for a change by say, fifty per cent. of India's population. When the original Act of 1872 was passed it was at the instance of a few members of the Brahmo Samaj—not that there was a general demand from the Hindu community.

There is another point to which I should like to refer. Some friends were under the impression that this Bill is aimed at Hindu religion or Hindu law. Well, when you come to deal with the Hindu Law of marriage and divorce, you may raise those objections. No doubt a Hindu can marry a Muslim or a Christian or anybody else under this Act. But it is not a Bill for regulating marriages between Hindus. That will come later. And then of course you can deliver your broadsides that this is against the spirit and letter of the Hindu religion. If I can satisfy you, well and good. If I cannot, of course you will carry your opposition. But that is not a question which we have to deal with in connection with this Bill.

This is a permissive measure which will apply to all communities. Sir, I shall not waste the time of the House by discussing the questions of detail which have been raised. I give this assurance that all these points will be fully considered in the Joint Select Committee. Sir, that is all that I have to say.

Shri Mulchand Dube (Farrukhabad Distt.—North): Sir, on a point of information. Suppose a member of a joint Hindu family is married under the Brahmo form of marriage and later on the marriage is registered under this Act. May I know whether that registration by itself will result in the severance of the family or not?

Mr. Deputy-Speaker: Solemnising is necessary, not registration. He will look into the Act Anyhow it is a question of interpretation which can be considered leisurely.

Shri Raghavachari: Sir, before you put the motion to vote may I make a submission? It was left to the House to decide about the irregularity or the unconstitutional way the joint select committee is asked to be formed; and there is also the principle of the Bill. There are these two things involved

Mr. Deputy-Speaker: The principle of the Bill is not decided now.

Shri Raghavachari: So, it is the question of the constitutional position whether the Joint Select Committee can be accepted or not?

Shri Satya Narayan Sinha: That question has been decided

Mr. Deputy-Speaker: The Resolution. So far as that matter is concerned, I am not putting the constitutional aspect apart from any other. This has been made clear. There is no commitment of this House. This resolution is a resolution placed before the House asking this House to send some Members—to associate them with the deliberations of the Joint Select Committee. But that does not involve any commitment of this House so far as the principle of the Bill is concerned. With respect to all the others, legality, illegality etc., they are covered by this.

Shri Raghavachari: So it is only the legality or illegality of this resolution that is covered now?

Mr. Deputy-Speaker: He is putting it the other way. I am saying that so far as the principle of the Bill is concerned the House is not committed, but whatever else there is covered. He wants me to say that it is only the legality that is put before the House and the rest are open. I am not going to adopt that course. I will only put the motion before the House. I will first take up the amendment of Dr. Lanka Sundaram.

Shri Raghavachari *rose*—

Mr. Deputy-Speaker: I have heard. That is my ruling. This House is not committed to the principle of the Bill.

Shri Raghavachari: With your permission may I say this, Sir? My point was, if this House is not committed to the principle of the Bill and if the matter of legality was discussed over a number of hours, then on the question of legality Members must be free to oppose, apart from the question of the principles involved in the Bill.

Mr. Deputy-Speaker: If this is accepted, legality goes to the wall!

Dr. Lanka Sundaram (Visakhapatnam): Our anxiety to declare that our vote, whatever it is, has nothing to do with the merits of the Bill.

Mr. Deputy-Speaker: This House is not committed to the principle of the Bill. It is open to it to reconsider the question of the principle of the Bill when the motion for consideration comes up. It can throw out the motion and say that the House is not agreeable to the principles of the Bill or to its being enacted into law.

Shri N. C. Chatterjee: Without prejudice.

Mr. Deputy-Speaker: So, I shall now put the amendments to the vote of the House before I put the motion itself. The first is Dr. Lanka Sundaram's amendment.

Dr. Lanka Sundaram: Sir, in the light of the statement of the Prime Minister I beg leave of the House to withdraw my amendment.

The amendment was, by leave, withdrawn.

Mr. Deputy-Speaker: Shri Kasliwal.

Shri Kasliwal (Kotah-Jhalawar): Sir, I beg leave of the House to withdraw my amendment.

The amendment was, by leave, withdrawn.

Shri S. V. Ramaswamy (Salem): I beg leave of the House to withdraw my amendment.

The amendment was, by leave, withdrawn.

Mr. Deputy-Speaker: Now I will put the original motion to the vote of the House. The question is ....

Dr. Lanka Sundaram: But objection has been taken to the names put in there. The first is that the consent has not been taken, and secondly the names suggested by the parties have not been put in.

Mr. Deputy-Speaker: I will put the name objected to separately.

Shri M. S. Gurupadaswamy: Sir, the whole procedure is wrong. No party has been consulted.

Mr. Deputy-Speaker: Does it mean that anybody's name has been included without taking his consent?

Shri V. G. Deshpande: That is exactly what we are saying, Sir.

Shri N. C. Chatterjee: As a matter of fact certain names were forwarded by the party. They have been excluded and others have been put in.

Shrimati Renu Chakravartty: Sir, this is a fact that the names were proposed without asking the leader of our party. It is only this morning we were asked whether we were going to boycott it or we shall remain. It is a very improper procedure.

Mr. Deputy-Speaker: There are two courses open to the House. It is not left only to one party to do anything it likes, to accept or not to accept.

Shrimati Renu Chakravartty: That is not the point.

Shri H. N. Mukerjee (Calcutta North-East): The point seems to be ....

Mr. Deputy-Speaker: I shall now call upon any hon. Member who has not given his consent this morning or till sometime before this. If no consent has been taken, I score out that name.

Shrimati Renu Chakravartty: That is not the point at all.

Shri H. N. Mukerjee: The point which, to my mind, is relevant in this connection is this. Members of our Party, for instance, are very willing to serve on the Select Committee when the House is pleased to refer the matter to a Select Committee. But there are certain procedural proprieties which are observed by the Government, which is the sponsor of this Bill, before the names of Members of our Party, or any other party for that matter, are included. On this occasion, what happened is that the Government did not consult any representative of our Party before including certain names and after having put those names in the Order Paper of the day, Government asked us on the telephone this morning 'Are you boycotting our Committee?' This has put us in an embarrassing situation for no tenable reason. We are very willing to assist as far as the Bill is concerned, but we do not like this kind of procedural activity on the part of the Minister for Parliamentary Affairs who is in charge of finding out names. This is our point and we do not wish, Sir, to be driven to the extremity of having to refuse our help to the Select Committee. We do not wish to refuse, but we want to register our protest against the way in which these names have been suggested and we wish the Minister for Parliamentary Affairs particularly to give us an assurance that he will always consult the parties concerned before he puts in, if he chooses, the names of any Members of such parties in any proposed Select Committees.

Shri Ramachandra Reddi (Nellore): Certain conventions have been set up and followed in this House and heads of parties have been asked to give names of Members who are likely or willing to serve on certain Select Committees ...

Dr.. Lanka Sundaram: And those names alone are accepted.

Shri Ramachandra Reddi: Unfortunately, this time that convention has been abrogated and names which had been given had been omitted and names of such persons whose consent had not been taken, had been included on this Committee. It is, therefore, very necessary that the matter should be revised again and the hon. Minister in charge of the Bill might revise the list of the Select Committee Members, so that the names of Members of all the parties whose consent has been taken may be there on the Committee.

Shri M. S. Gurupadaswamy: I want to remind the Minister for Parliamentary Affairs.....(*Interruption*) that I wrote a letter to him some days back regarding this matter that he was not consulting us...

An Hon. Member: What is the point here?

Shri M. S. Gurupadaswamy: ... and asking why he was putting the names of some Members of our party in Select Committees before consulting us? He wrote back and assured me that hereafter such things would not be allowed to take place. Here the names of some Members of our party have been put and they have been asked to serve on the Committee. Of course, we do not decline to serve, but the procedure is entirely wrong. It is not befitting the Minister...

Shrimati Renu Chakravartty: The procedure.

Shri M .S. Gurupadaswamy:... and it is a disrespect shown to our party. This should not have been done and I think hereafter such procedure should not be allowed.

Shri N. C. Chatterjee: It should be rectified.

Shri Satya Narayan Sinha: May I say, Sir, that in this matter some mistake was committed. I think I ought to have consulted the leaders of the Parties concerned. But I can give an assurance here and now if it can be accepted, that in future this procedure will not be repeated.

Shri K. K. Basu: Not to be violated.

Shri Satya Narayan Sinha: The leaders of the Parties will be consulted.

I suggest even today that if any Party wants to make any change in the names of their Members, that may be made, within the number allotted to that Party. To that we will have absolutely no objection.

Shri V. P. Nayar (Chirayinkil): The names are all there now....

Mr. Deputy-Speaker: What the Minister for Parliamentary Affairs says is that if any Party wants to make a change and substitute another hon. Member, he has no objection.

Shri Satya Narayan Sinha: They can change.

Mr. Deputy-Speaker: Now it appears to me that there is no desire to change.

The question is:

"That this House concurs in the recommendation of the Council of States that the House do join in the Joint Committee of the Houses on the Bill to provide a special form of marriage in certain cases, and for the registration of such and certain other marriages and resolves that the following Members of the House of the People be nominated to serve on the said Joint Committee, namely Shri Hari Vinayak Pataskar, Shrimati Indira A. Maydeo, Shri Narhar Vishnu Gadgil, Pandit Balkrishna Sharma, Shri Nardeo Snatak, Shri Ram Saran, Shri

[Mr. Deputy-Speaker]

Muhammed Khuda Bukhsh, Shrimati Sushama Sen, Shri Awadeshwar Prasad Sinha, Dr. Hari Mohan, Shri Dodda Thimmaiah, Shri G. R. Damodaran, Shri C. P. Mathew, Shri T. N. Vishwanatha Reddy, Shri Tek Chand, Shrimati Subhadra Joshi, Shrimati B. Khongmen, Shri B. N. Mishra, Shri N. Somana, Shri Purnendu Sekhar Naskar, Shri B. Pocker Saheb, Her Highness Rajmata Kamlendu Mati Shah, Shrimati Sucheta Kripalani, Shrimati Renu Chakravartty, Dr. A. Krishnaswami, Shri M. R. Krishna, Shri B. Ramachandra Reddi, Shri P. N. Rajabhoj, Shri K. A. Damodara Menon and Shri Tridib Kumar Chaudhuri."

The House divided: Ayes, 181: *Noes,* 27.

Division No. 4] AYES [5-25 P.M.

Achal Singh, Seth
Achuthan, Shri
Agarwal, Shri S. N.
Agarwal, Shri M. L.
Akarpuri, Sardar
Alagesan, Shri
Altekar, Shri
Anandchand, Shri
Azad, Maulana
Azad, Shri Bhagwat Jha
Balasubramaniam, Shri
Balmiki, Shri
Barman, Shri
Basappa, Shri
Basu, Shri K. K.
Bhagat, Shri B. R.
Bhatt, Shri C.
Bheekha Bhai, Shr
Birbal Singh, Shri
Borooah, Shri
Bose, Shri P.C.
Brajeshwar Prasad, Shri
Buchhikotaiah, Shri
Chakravartty, Shrimati Renu
Chanda, Shri Anil K.
Chandak, Shri
Chaudhary, Shri G.L.
Chaudhuri, Shri T.K.
Chinaria, Shri
Choudhuri, Shri M. Shaffee
Dabhi, Shri
Das, Dr. M.M.
Das, Shri B.
Das, Shri B.C.
Das, Shri B.K.
Das, Shri K.K.
Das, Shri N.T.
Das, Shri Ram Dhani
Das, Shri S.N.
Dasaratha Deb, Shri
Datar, Shri
Deb, Shri S.C.
Deshpande, Shri G.H.
Dholakia, Shri
Dhusiya, Shri
Dube, Shri Mulchan
Dubey, Shri R.G.
Dutt, Shri A.K.
Dwivedi, Shri D.P.
Dwivedi, Shri M.L.
Elayaperumal, Shri
Fotedar, Pandit
Gandhi, Shri Feroze
Gandhi, Shri M.M.
Gandhi, Shri V.B.
Ganpati Ram, Shri
Ghosh, Shri A.
Giri, Shri V.V.
Gounder, Shri, K.P.
Gupta, Shri Sadhan Chandra
Hari Mohan, Dr.
Hazarika, Shri J.N.
Hyder Husein, Ch.
Ibrahim, Shri
Iyyani, Shri E.
Iyyunni, Shri C.R.
Jagjivan Ram, Shri
Jain, Shri A.P.
Jajware, Shri
Jayashri, Shrimati
Jena, Shri K.C.
Jena, Shri Niranjan
Jethan, Shri
Joshi, Shri Jethalal
Joshi, Shri Krishnacharya
Joshi, Shrimati Subhadra
Kajrolkar, Shri
Kakkan, Shri
Kale, Shrimati A.
Kasliwal, Shri
Katham, Shri
Katju, Dr.
Keskar, Dr.
Khongmen, Shrimati
Khuda Baksh, Shri M.
Kirolikar, Shri
Krishna Chandra, Shri
Krishnamachari, Shri T.T.
Lakshmayya, Shri
Lingam, Shri N.M.
Mahodaya, Shri
Mahtab, Shri
Majhi Shri R.C.
Malaviya, Shri K.D.
Malliah, Shri U.S.
Mandal, Dr. P.
Masuriya Din, Shri
Mathew, Shri
Matthen, Shri
Maydeo, Shrimati
Mehta, Shri Balwant Sinha
Mehta, Shri B.G.
Mishra, Shri S.N.
Mishra, Shri Lokenath
Mishra, Shri M.P.
Misra, Shri B.N.
Mohiuddin, Shri
More, Shri K.L.
Mukerjee, Shri H.N.
Mukne, Shri Y.M.
Nanadas, Shri
Naskar, Shri P.S.
Natawadkar, Shri
Nayar, Shri V.P.
Nehru, Shri Jawaharlal
Nehru, Shrimati Uma
Neswi, Shri
Nijalingappa, Shri
Pannalal, Shri
Parekh, Dr. J.N.
Parmar, Shri R.B.
Pataskar, Shri
Patel, Shri B.K.
Patel, Shri Rajeshwar
Patel, Shrimati Maniben
Patil, Shri Kanavade
Pillai, Shri Thanu
Prabhakar, Shri N.
Rachiah, Shri N.
Raghavaiah, Shri
Raghunath Singh, Shri
Raghubir Sahai, Shri
Raj Bahadur, Shri
Ram Dass, Shri
Ram Saran, Shri
Ram Subhag Singh, Dr.
Ramanand Shastri, Swami
Ramaswamy, Shri P.

AYES—*contd.*

Ramaswamy, Shri S.V.	Sen, Shrimati Sushama	Sinhasan Singh, Shri
Rane, Shri	Sharma, Pandit Balkrishna	Somana, Shri N.
Rao, Dr. Rama	Sharma, Shri D.C.	Subrahmanyam, Shri T.
Rao, Shri Vittal	Sharma, Shri K.R.	Suriya Prashad, Shri
Raut, Shri Bhola	Sharma, Shri R.C.	Telkikar, Shri
Reddy, Shri Janardhan	Shobha Ram, Shri	Thomas, Shri A.M.
Reddy, Shri Viswanatha	Siddananjappa, Shri	Tiwary, Pandit D.N.
Rup Narain, Shri	Singh, Shri D.N.	Uikey, Shri
Sahu, Shri Rameshwar	Singh, Shri Babunath	Upadhyay, Shri S.D.
Saigal, Sardar A.S.	Singh, Shri T.N.	Vaishya, Shri M.B.
Samanta, Shri S.C.	Singhal Shri, S.C.	Varma, Shri Manikya La
Sanganna, Shri	Sinha, Shri A.P.	Varma, Shri B.R.
Satish Chandra, Shri	Sinha, Shri N.P.	Vidyalankar, Shri A.N.
Satyawadi, Dr.	Sinha, Shri Satya Narayan	Vishwanath Prasad, Shri
		Vyas, Shri Radhelal

NOES

Bagdi, Shri Magan Lal	Missir, Shri V.	Reddi, Shri Ramachandra
Chatterjee, Shri N.C.	Muniswamy, Shri	Rishang Keishing, Shri
Damodaran, Shri N. P.	Murthy, Shri B.S.	Sinha, Th. Jugal Kishore
Deo, Shri R.N.S.	Naidu, Shri N.R.	Somani, Shri G.D.
Deshpande, Shri V.G.	Nathani, Shri H.R.	Sundaram, Dr. Lanka
Gadilingaha Gowd, Shri	Raghavachari, Shri	Swami, Shri Sivamurthi
Gurupadaswamy, Shri M.S.	Ramasami, Shri M.D.	Swamy, Shri N.R.M.
Hukam Singh, Sardar	Randaman Singh, Shri	Tewari, Sardar R.B.S.
Kelappan, Shri	Rao, Shri P. Subba	Trivedi, Shri U.M.

The motion was adopted.

REPORT OF THE COMMISSIONER FOR SCHEDULED CASTES AND SCHEDULED TRIBES

Mr. Deputy-Speaker: Now, the House will proceed with the other business. So far as the next motion in the name of the Prime Minister is concerned, the whole time table for the rest of this session was announced this morning and this has been put down for the last day, that is the 24th. Therefore, this matter will stand over till the 24th when it will come up.

I shall now request the hon. Dr. Katju to move his motion.

The Minister of Home Affairs and States (Dr. Katju): I beg to move:

> "That the Report of the Commissioner for Scheduled Castes and Tribes for the period ending the 31st December, 1952, be taken into consideration."

I do not propose, Sir, in the beginning to make a very long speech for the simple reason that I am more anxious to hear and to profit by the observations of my hon. friends who will follow me. A number of amendments have been tabled, and I imagine that many of those amendments will be moved and very many constructive and helpful suggestions will be made.

The House is aware that under the Constitution there is a Special Officer appointed by the President. I should like, at the very beginning, to pay a tribute to his hard work and the devotion with which he has worked will be shown by the very exhaustive report that he has submitted to this House—or rather submitted to the President and which is now before this House.

In all our discussions you will please recollect that leaving aside the "C" States, the administration of all affairs including affairs relating to

[Dr. Katju]

Scheduled Castes and Scheduled Tribes rests, in the first instance, with the State Governments. So far as "A" States are concerned, their autonomy is fairly large, or rather, in this particular matter we can only give them advice, offer them suggestions, or give them money. So far as the "B" States are concerned, it is true that under the Constitution directives may be sent, but they are also carrying on their affairs with fully elected legislative bodies, and I just remind the House that the power of giving directives is not an unlimited power in period of time. It is only for ten years. Four years are expiring, and another six years will remain. Therefore, while we discuss the affairs of Scheduled Castes and Scheduled Tribes, we should remember as far as possible that the actual administration lies in what I may call the provincial sphere. Of course, so far as the Government of India, or the Central Government Departments are concerned, many questions may be raised. I see whenever Parliament is in session that Members are very keen to know whether advantage has been given to the Scheduled Castes and Scheduled Tribes in regard to their reserved seats. Hon. Members would have seen in the report as to what actually has been done. I should like, at the outset, to assure every single Member of the House that I spare no pains, the Central Government spares no pains, to see to it that the Scheduled Castes and Scheduled Tribes have the fullest opportunity of rendering public service, ...

Shri Velayudhan (Quilon *cum* Mavelikkara—Reserved—Sch. Castes): Question.

Dr. Katju: ...that they should have equal opportunities with everybody in the country. But I would beg hon. Members to remember that when we appoint a District Magistrate, for instance,—I have taken just one illustration—he is not merely a District Magistrate for looking after the Scheduled Castes living in that district whether they are one lakh, or two lakhs or twenty lakhs, but he is the District Magistrate for the entire district. He is the District Magistrate for the high castes and the low castes and the Muslims and Sikhs, everybody. Therefore, the Public Service Commission or the appointing authority is bound to have some regard for efficiency. Sometimes I hear: "Oh, minimum qualifications". I can understand about these minimum qualifications in respect of what you may call Fourth Grade servants, even clerks or Secretariat staff. There it does not matter whether a man is this or a man is that. Even minimum qualifications will do.

Dr. Lanka Sundaram (Visakhapatnam): What about the Ministers?

Dr. Katju: But there are certain appointments in which we cannot take any risk. Our anxiety is there and our anxiety is shared by the Union Public Service Commission that all opportunities should be afforded to the Scheduled Castes and Scheduled Tribes. I do not want to repeat what I said on the last occasion that we have relaxed the rules as to age limits. I am sure that the Public Service Commission, when these candidates go for *viva voce* examinations or interviews, makes due allowance for the fact that there is bound to be a great deal of difference as between boys or candidates who are coming from, let us say, well-regulated families, wealthy families, and young men who are coming from rather lower income groups. I know that the Commission makes allowance for that fact. But, when all is said and done you cannot take very many risks in this matter.

[SHRI PATASKAR *in the Chair*]

What is much more important is that there should be every effort made for their educational uplift, and concessions should be given, scholarships should be given. I am all in favour of these young boys from the Scheduled Castes and backward classes to

be sent to England, foreign countries, and here for education. That is my outlook on this.

Then, there is another matter. I know that in urban areas untouchability has partically disappeared.....

Shri B. S. Murthy (Eluru): Urban areas?

Dr. Katju: ...and complaints are rife that this is not so in rural areas. I know that. I agree with them. But you have got to take your countrymen as they are. I promised last year that we will take every possible legislative step to remove untouchability and punish untouchability, and I may inform hon. Members that before Parliament rises I may either introduce a Bill against untouchability and for punishment of offences arising out of the practice of untouchability, or publish it in the Gazette and then we will discuss it in the coming Budget Session. But the point that I am raising is that the coercive process can go only to some extent. We must not forget the importance of the persuasive process. You cannot ride the high horse only on the strength of coercive measures—you do this or you go to jail; you do that, we will get you punished.

I was myself only last week in Gwalior. I went to Morena. I went round, saw lots of things there. In Part "B" States particularly there is still a strong conservative element. In the villages there are Thakores, Gujars and landlords who think themselves high-born mighty people and they have been accustomed for centuries to a particular mode of life. Now, you punish them. I will punish them myself, I am all for punishment. But at the same time, you must have some regard for the persuasive process, and my sorrow is that I see some slackening in that. Gandhiji while he lived spent the whole of his life in persuading people. He used to tell the high castes: "This is your duty. Hindusim will perish unless you do this, unless untouchability goes". There is some slackening of that on the part of everybody, and I think there should be a stronger, co-ordinated and united effort both on the part of my friends from the Harijan community who are educated and from high caste people to go about educating people in the rural areas that it is unsocial, unpatriotic; that it is not only criminal, but antisocial and unpatriotic to indulge in these things. Otherwise our unity and our independence might be endangered.

I do not want to go into many questions because many amendments have been given notice of and probably many points will come up. I notice some of the amendments plead for a new Ministry in the Central Government. A very fine idea! But do hon. Members realise as to what that Minister is going to do?

Shri P. N. Rajabhoj (Sholapur—Reserved—Sch. Castes): Why is there a refugee Minister?

Dr. Katju: I am not expressing any opinion; I am only waiting to hear from you. But I do say please approach the whole problem in a very constructive atmosphere and not in a destructive atmosphere, because I speak without convention.....

Shri B. S. Murthy: Without conviction also.

Dr. Katju: The object is one on which we are all united. There are 7 crores of scheduled castes and tribal people. I am waiting for the report of the Backward Classes Commission also which will probably deal with another 5 crores. We want to bring them all to our own level. Social justice means no class. (*Interruption.*) We are all agreed upon that. Somebody said what about money? I think there is an amendment which says that there should be a sum of money set apart...

Shri B. S. Murthy: Yes, Sir.

Dr. Katju: I think you will find in the Report that in these 5 years the Central Government as well as the

[Dr. Katju]

State Governments have set apart a sum of Rs. 40 crores for the benefit of the scheduled castes and the tribal people.

Shri B. S. Murthy: A drop in the ocean.

Dr. Katju: Now, If I had my way, if money were available, I would have provided Rs. 80 crores instead of Rs. 40 crores. But the question is that money should be available; we are doing our best.

Secondly, we want more co-operation. We want service in the field. We do not want—pardon my saying so—merely work in Parliament. You have got to open vocational centres, schools, dispensaries and all sorts of thing. For that money should be available.

With these few remarks, Mr. Chairman, I beg that the House do proceed to take this report into consideration.

Mr. Chairman: Motion moved:

"That the Report of the Commissioner for Scheduled Castes and Scheduled Tribes for the period ending the 31st December, 1952, be taken into consideration."

Now, there are a number of amendments of which notice has been given.

Shri P. N. Rajabhoj: I beg to move:

That in the motion, the following be added at the end, namely:—

"and having considered the same, this House is of the opinion—

(a) that the Report is inadequate and lumps together Scheduled Castes and Scheduled Tribes;

(b) that the Commissioner of the Scheduled Castes and Scheduled Tribes should be drawn from the ranks of the Scheduled Castes; and

(c) that the Union and Railways Public Services Commission be reconstituted so as to include a member belonging to the Scheduled Castes community."

Shri Velayudhan: I beg to move:

That in the motion, the following be added at the end, namely:—

"and having considered the same this House recommends that a Parliamentary Committee be appointed to examine how the problems of the Scheduled Castes and Scheduled Tribes are being tackled by the Government and to report to this House."

Shri Ram Dhani Das (Gaya East—Reserved—Sch. Castes): I beg to move:

That in the motion, the following be added at the end, namely:—

"and having considered the same, this House approves the Report and suggests that early steps should be taken for bringing some special measures for the uplift and education of the lowliest of the low (the scavengers and sweepers) of the country."

Shri B. S. Murthy: I beg to move:

(i) That in the motion, the following be added at the end, namely:—

"and having considered the same, this House is of opinion that a separate Ministry be created to look after the welfare of the Scheduled Castes, Scheduled Tribes, Backward Classes and other minorities in accordance with the guarantees given in the Constitution."

(ii) That in the motion, the following be added at the end, namely:—

"and having considered the same, this House is of opinion that Government should take more constructive steps in order to remove all the disabilities to

which these Communities are subjected to at present."

Shri Soren (Purnea *cum* Santal Parganas—Reserved—Sch. Tribes): I beg to move:

That in the motion, the following be added at the end, namely:—

"and having considered the same, this House regrets the change of Roman Script into Deva-Nagri Script in the Tribal areas."

Shri B. S. Murthy: I beg to move:

(1) That in the motion, the following be added at the end, namely:—

"and having considered the same, this House regrets the apathy shown by the Government in the matter of the claims of Scheduled Castes, Scheduled Tribes and Backward Classes in the services."

(2) That in the motion, the following be added at the end, namely:—

"and having considered the same, this House is of opinion that ten crores of rupees be set apart annually for five years to rehabilitate the Scheduled Castes, Scheduled Tribes and Backward Classes in view of their utter backwardness in all walks of life."

(3) That in the motion, the following be added at the end, namely:—

"and having considered the same, this House is of opinion that in view of the recent unhappy incidents in Deoghar and Mysore, early legislation should be brought before Parliament to penalise the observance of untouchability in all forms."

Shri Balmiki (Bulandshahr Distt.—Reserved—Sch. Castes): I beg to move:

That in the motion, the following be added at the end, namely:—

"and having considered the same, this House is of opinion that effective and drastic steps should be taken at once by the Government to ameliorate the conditions of the Harijans especially of sweepers and scavengers who are the most downtrodden in the country and whose grievances have not yet been redressed so far."

Shri Jajware (Santal Parganas *cum* Hazaribagh): I beg to move:

That in the motion, the following be added at the end, namely:—

"and having considered the same, this House is of opinion that Government should take necessary steps for the implementation of the suggestion given by the Commissioner and provide more money whenever necessary to raise the standard of the Scheduled Castes and Scheduled Tribes within the scheduled time."

Shri Bheekha Bhai (Banswara-Dungarpur—Reserved—Sch. Tribes): I beg to move:

(1) That in the motion, the following be added at the end, namely:—

"and having considered the same, this House is of opinion that the phraseology used in the Constitution (Scheduled Tribes) Order 1950, specifying Tribes in Rajasthan, should be suitably modified to avoid complications."

(2) That in the motion, the following be added at the end, namely:—

"and having considered the same, this House is of opinion that immediate steps should be taken to set up separate Backward Classes Welfare Departments for expediting the ameliorative work in different States."

(3) That in the motion, the following be added at the end, namely:—

"and having considered the same, this House is of opinion that the Constitution (Scheduled Tribes) Order 1950 should be so amended as to include all the

[Shri Bheekha Bhai]

aboriginals who have been left out for want of proper specification by State Governments in various States."

(4) That in the motion, the following be added at the end, namely:—

"and having considered the same, this House is of opinion that a separate Department be forthwith created at the Centre to expedite the ameliorative schemes launched from time to time for the Scheduled Castes, Scheduled Tribes and other Backward Classes."

Shri P. N. Rajabhoj: I beg to move:

That in the motion, the following be added at the end, namely:—

"(a) and having considered the same, this House is of opinion that in order to raise the social level of the Scheduled Castes, all reserved posts in Government services should be filled with Scheduled Castes Candidates by relaxing some of the conditions such as minimum qualification etc. which may not be fulfilled by Scheduled Caste candidates;

(b) the Government should grant special scholarships to deserving Scheduled Caste students for going to foreign countries for higher academic and technical education;

(c) the landless Scheduled Caste people should be provided with land and other implements so that unemployment among those people would be minimised, and that special Taqavi Loans should be given to them in the initial stages;

(d) a separate Ministry on the same lines as that of Rehabilitation Ministry should be formed with a view to safeguarding the interests of the Scheduled Castes and Scheduled Tribes and to bring them to the level of other advanced classes in India in economic, educational and social matters; and

(e) immediate steps should be taken to provide Scheduled Castes and Scheduled Tribes with compulsory primary education all over India."

Shri Kakkan (Madurai—Reserved—Sch. Castes): I beg to move:

That in the motion, the following be added at the end, namely:—

"and having considered the same, is of the opinion that Government should give more grants-in-aid and loans to appoint Special Police Officers in higher rank and propagandists for the Harijan uplift in Madras, Bombay and Madhya Pradesh where social disabilities of the Scheduled Castes are very acute."

Shri P. Subba Rao (Nowrangpur): I beg to move:

(1) That in the motion, the following be added at the end; namely:—

"and having considered the same, this House regrets that adequate steps are not proposed for the removal of illiteracy among the Hill Tribes and Scheduled Castes of Orissa."

(2) That in the motion, the following be added at the end, namely:—

"and having considered the same, this House regrets that adequate steps are not proposed for the complete removal of untouchability."

Shri Rishang Keishing (Outer Manipur—Reserved—Sch. Tribes): I beg to move:

That in the motion, the following be added at the end, namely:—

"and having considered the same, this House—

(a) is of opinion that the constitution of a separate Ministry

for the welfare of the Scheduled Castes and Scheduled Tribes alone can effectively tackle the problems of the Scheduled Castes and Scheduled Tribes;

(b) censures the Government for their failure to abolish untouchability in the country;

(c) regrets that the Report of the Commissioner for Scheduled Castes and Scheduled Tribes does not contain any proposal for land reform which alone can better the condition of the Scheduled Castes and Scheduled Tribes; and

(d) is of opinion that the amount sanctioned for improving the conditions of Scheduled Castes and Tribes is too inadequate."

Shri Sivamurthi Swami (Kushtagi): I beg to move:

That in the motion, the following be added at the end, namely:—

"and having considered the same, this House—

(a) regrets to note that the Government has failed to improve the economic condition of the Scheduled Castes and Scheduled Tribes by not distributing waste lands if any, and by not providing any alternative employments to maintain their daily life;

(b) recommends to Government to give free education and free training in some technical institutions so that they can earn their livelihood independently; and

(c) appeals to Government to safeguard the self-interest in all walks of their lives by strong legislative measures so that they may enjoy the constitutional rights of our country."

Dr. Rama Rao (Kakinada): I beg to move:

That in the motion, the following be added at the end, namely:—

"and having considered the same, this House is of opinion that the Report shows a deplorable state of affairs concerning the social and economic disabilities of the Scheduled Castes and Scheduled Tribes, and this House urges upon the Government to take more effective steps for the amelioration of their condition by setting apart ten crores of rupees more for this purpose in the next budget."

Shri Sanganna (Rayagada-Phullbani—Reserved—Sch. Tribes): I beg to move:

That in the motion, the following be added at the end, namely:—

"and having considered the same, this House is of opinion that a committee be set up to enquire into the desirability or otherwise of the tobacco tax in the scheduled areas."

Shri R. C. Majhi (Mayurbhanj—Reserved—Sch. Tribes): I beg to move:

That in the motion, the following be added at the end, namely:—

"and having considered the same, this House regrets to observe that the welfare schemes of the State Government of Orissa for the Scheduled Castes and Scheduled Tribes and grants given for the above purposes are inadequate."

Shri Niranjan Jena (Dhenkanal—West Cuttack—Reserved—Sch. Castes): I beg to move:

That in the motion, the following be added at the end, namely:—

"and having considered the same, this House is of opinion that a special Board should be set up to advise the Central and State Governments on matters relating

[Shri Niranjan Jena]

to the economic and social uplift of the Scheduled Castes and Scheduled Tribes."

Shri Kajrolkar (Bombay City—North—Reserved—Sch. Castes): I beg to move:

That in the motion, the following be added at the end, namely:—

"and having considered the same, this House recommends to Government that in view of the nation's policy of removing all vestiges of untouchability, there should be a provision that in all Hostels for Harijans for admitting a small percentage of Savarnas so that they may mix and inter-dine freely and that care should be taken to see that the seats fixed for Harijan students are not reduced, and that the money spent on non-Harijan students is not taken from the Harijan fund."

Shri Balwant Sinha Mehta (Udaipur): I beg to move:

(1) That in the motion, the following be added at the end, namely:—

"and having considered the same, this House is of opinion that the Bhil Tribe with its subtribes be forthwith declared as Scheduled Tribes throughout the State of Rajasthan as in other states of the Indian Union."

(2) That in the motion, the following be added at the end, namely:—

"and having considered the same, this House is of opinion that legislative measures be undertaken by State Governments under State Directive Policy embodied in the V and VI Schedules to the Constitution."

(3) That in the motion, the following be added at the end, namely:—

"and having considered the same, this House is of opinion that the Adivasis left out from specification under the Constitution (Scheduled Tribes) Order, 1950 in relation to the State of Rajasthan be forthwith brought under that Order."

Dr. Satyawadi (Karnal—Reserved—Sch. Castes): I beg to move:

That in the motion, the following be added at the end, namely:—

"and having considered the same this House regrets that the condition and problems of the sweepers throughout the country and the Scheduled Castes in the States of Punjab and Delhi have totally been ignored."

Shri Barman (North Bengal—Reserved—Sch. Castes): I beg to move:

That in the motion, the following be added at the end, namely:—

"and having considered the same, this House appreciates the efforts of Government in promoting with special care the educational standard of the weaker sections of the people and in particular of the Scheduled Castes and the Scheduled Tribes, and in ameliorating their conditions in other spheres of life; and this House further desires that such efforts be intensified to ensure that by the year 1960 all weaker sections rise up to the standard of and are fully integrated with other advanced sections of this country."

Shri N. Rachiah (Mysore—Reserved—Sch. Castes): I beg to move:

That in the motion, the following be added at the end, namely:—

"and having considered the same, this House is of opinion that—

(a) a Central Board for Scheduled Castes be appointed to watch and guide the working of the measures for the

amelioration of the Scheduled Castes and Scheduled Tribes in the country;

(b) direct recruitment from Scheduled Castes and Scheduled Tribe candidates be made to I.A.S. and I.P.S. in proportion to their respective populations; and

(c) immediate steps be taken to co-opt at least one member of the Scheduled Castes to each of the Union and State Public Service Commission."

Shri Naval Prabhakar (Outer Delhi—Reserved—Sch. Castes): I beg to move:

That in the motion, the following be added at the end, namely:—

"and having considered the same, this House notes with regret that the Report failed to mention the injustice done to the Scheduled Castes in the State of Delhi by the wrong enumeration of these castes in last census, as a result of which the population of certain castes could not be included in their total population."

Shri G. L. Chaudhary (Shahjahanpur Distt.—North *cum* Kheri—East—Reserved—Sch. Castes): I beg to move:

That in the motion, the following be added at the end, namely:—

"and having considered the same, this House appreciates the efforts made by the Government in ameliorating the conditions of the Scheduled Castes and Scheduled Tribes and requests Government to intensify these efforts."

Shri Dasaratha Deb (Tripura East): I beg to move:

(1) That in the motion, the following be added at the end, namely:—

"and having considered the same, this House is of opinion that the cultivable waste lands in the country and the waste land reclaimed by the government organisations both of the States and of the Centre, should be distributed to persons belonging to the Scheduled Castes and Scheduled Tribes without any delay."

(2) That in the motion, the following be added at the end, namely:—

"and having considered the same, this House is of opinion that—

(a) members of the Scheduled Tribes, who have been adversely affected by the prohibition of *jhuming* or shifting cultivation should be rehabilitated:

(b) the Scheduled Tribes of Tripura should not be ousted from the land belonging to them due to the requisitioning of such land by the Government for settling others there;

(c) free land, implements and seeds should be given to landless persons belonging to the Scheduled Castes and Tribes."

Shri Nanadas (Ongole—Reserved—Sch. Castes): I beg to move:

(1) That in the motion, the following be added at the end, namely:—

"and having considered the same this House is of opinion that there should be an independent Five Year Plan of Rs. 100 crores for the social, economic and educational development of the Scheduled Castes and Scheduled Tribes."

(2) That in the motion, the following be added at the end, namely:—

"and having considered the same, this House is of opinion that for all the reserved seats in the public services the candidates belonging to Scheduled Castes and Tribes should be appointed, if they possess the minimum educational qualifications prescribed for each category of such posts."

[Shri Nanadas]

(3) That in the motion, the following be added at the end, namely:—

"and having considered the same, this House is of opinion that the children of Scheduled Castes and Scheduled Tribes should be given free education, at all stages that is, primary, secondary, university and technical."

(4) That in the motion, the following be added at the end, namely:—

"and having considered the same, this House is of opinion that a special police force be created for enforcing the laws of the States and of the Centre for the removal of social disabilities of the untouchables."

(5) That in the motion, the following be added at the end, namely:—

"and having considered the same, this House is of opinion that the Christian Converts from the Scheduled Castes be given all the educational concessions the are being given to the Scheduled Castes and the Christian converts from the Scheduled Tribes."

Dr. Satyawadi: I beg to move:

That in the motion, the following be added at the end, namely:—

"and having considered the same, this House is of opinion that a Parliamentary Committee be constituted to advise and supervise the disbursement of the funds proposed to be spent in the Five Year Plan for the eradication of untouchability instead of it being spent through certain political organizations."

Swami Ramanand Shastri (Unnao Distt. *cum* Rae Bareli Distt.—West *cum* Hardoi Distt.—South-East—Reserved—Sch. Castes): I beg to move·

That in the motion, the following be added at the end, namely:—

"and having considered the same, this House is of opinion that—

(a) statutory provisions should be made for fixing minimum wages and working hours for agricultural labourers, masons, etc., who are mostly Harijans, and for a weekly holiday for those who are employed on monthly salaries;

(b) the families of such masons as are killed on account of accidents while working should be given compensation;

(c) the posts reserved for Scheduled Castes and Scheduled Tribes should only be filled by the candidates belonging to those castes and tribes, and that the candidates should be appointed on probation in the first instance and later on confirmed if they prove worthy of the posts, and further that the various departments should be specially instructed to see that the reserved posts are filled only from among such persons;

(d) the competition between the Scheduled Castes and Scheduled Tribes in the matter of appointments to public services should be confined to them alone and should not extend to others, and that special consideration should be shown to them during interviews as it has been noticed that Harijans are mostly rejected at the interview stage;

(e) there should be at least one member each in the Public Service Commissions of the States and of the Union;

(f) Government should provide special scholarships to Harijans for higher studies abroad;

(g) a separate Ministry in charge of a Harijan Minister should be constituted for the economic and social development

of Harijans and all the posts under that Ministry must be filled by Harijans;

(h) in those departments including the Railway Board in which it has not been so far possible to fill the vacancies reserved for Harijans since the time reservation was enforced in all the departments in India, there should be proportionately greater recruitment of Harijans and that no fresh recruitment should be made till this gap is filled;

(i) the poor Scheduled Castes should be exempted from District Board and Gram Panchayats taxes in the villages and Municipal taxes in the cities, as their economic condition is not equal to it and great unemployment prevails among them;

(j) industrial centres should be opened in villages with a view to removing unemployment among Scheduled Castes;

(k) wherever Zamindari has been abolished, larger portion of the land acquired by the Government should be allotted to Scheduled Caste agricultural labourers;

(l) with a view to raising the standard of living of Scheduled Castes in villages, education among women should be popularised and women workers should be employed to conduct propaganda in this connection: and

(m) there should be another census of the Scheduled Caste population of the country."

6 P.M.

Shri P. N. Rajabhoj: There are other amendments, Sir.

Mr. Chairman: I think there is another list of amendments, but they were received today. I will consult the hon. Minister in charge and then decide as to whether they should also be moved or not. I do not like to commit any breach of rules by allowing these amendments to be moved now, because any other Member may raise objections.

Shri P. N. Rajabhoj: I think, Sir, I gave them at 12-30 P.M. today. These are very important amendments.

Mr. Chairman: Yes, I will consider, but I will not give a decision now.

Shrimati Khongmen (Autonomous Distts.—Reserved—Sch. Tribes): Mr. Chairman, Sir, I am grateful that once again we are given this opportunity of discussing the Report of the Commissioner for Scheduled Castes and Scheduled Tribes. I have read the report with keen interest and I must say that I am very much benefited by the information it gives about the various castes and tribes all over India and the conditions under which they live. I am glad to note that some attempts have been made by several States for the uplift of the scheduled castes and scheduled tribes, but I regret to say that the progress made is indeed very slow. Though the Commissioner has given several valuable suggestions about the schemes already undertaken by various States, yet it seems that they were not given much importance to; save and except for the establishment of some primary and secondary schools and the construction of a few craft sheds and wells, nothing much has been done to improve the economic conditions of the weaker section of our society. They remain where they were, even after Independence. If the implementation of the schemes goes on at this rate, I am afraid the idea of bringing these people to the same level as those of the rest of India, as laid down in the Constitution, will be a total failure. I entirely agree with the Commissioner that top-most priority should be given of all the schemes of welfare of the country to the backward classes, especially to the scheduled castes and scheduled tribes. With these remarks, I shall now confine myself to the subject of the scheduled tribes.

[Shrimati Khongmen]

I come from a State where two-thirds of its area is inhabited by different tribes, as the House knows, who are at all stages of development. I think there is no other State in India where one could find so many different tribes who live in different ways and follow different customs and speak different languages. About more than 100 dialects are spoken in that part of the land. We have no common language and yet we have common ties that bind us. These are courage, self-confidence and an independent spirit which is our heritage. I am proud to say that when some parts of India have been conquered and dominated by our past rulers, we, the tribes, the most trusted citizens of India, were the sentinels of our frontriers, and we were the last to be conquered and yet not wholly so. When India became independent, none were happier than ourselves. I feel confident that even now we can make our contribution towards the formation of a Welfare State, provided we are given opportunities to develop ourselves, provided the more privileged and more enlightened section of our people give us a helping hand. So long we have been neglected and we have lost a lot of ground in the race for progress. Now we want extra looking after to make up for that. All the tribes were all along very poor. So, to my mind, their economic condition should first be improved. Sir, living as we do in the hilly regions, the only method of cultivation known is *jhumming*.

Dr. Lanka Sundaram: What does it mean?

Shrimati Khongmen: By cutting the forests and clearing the jungles and by burning them afterwards crops are grown there. You can call it shifting cultivation. This kind of cultivation is both unproductive and destructive of the flora and fauna of the hills. I venture to suggest that our people should be constantly taught and persuaded to adopt terrace cultivation on an improved method.

Sir, some tribes still live in the primitive stage and they should be taught how to live and clothe themselves. It reflects no credit on India to have a section of her population continue to go without clothing. We have to reach them up and teach them how to substitute clothes for leaves and barks of trees and strips of canes and other creepers. To start with, free supply of clothes should be made available to such tribes. All over the hilly area, there is hardly any road. Communication in the hills is still hopelessly lacking. Save and except one or two roads, there are no roads in this huge hilly area of North East Frontier of India. There are bridle paths here and there, but they also become unusable during most parts of the year. It is difficult to see how the economic conditions of the tribal people could be improved, and how they could be brought nearer to civilization, without access, which means roads. Although quite sizable sums are set apart for this purpose, yet precious little appears to have been done in actual execution. To cite one illustration: the Superintending Engineer of the Central Public Works Department for the North-East Frontier Agency lives at and functions from the Salubrious hill station of Shillong at a distance of about 3,000 miles from the North-East Frontier Agency.

Dr. Lanka Sundaram: Disgrace.

Shrimati Khongmen: I leave it to hon. Members to draw their inference. Regarding Posts and Telegraphs, this may be said to be non-existent, except in the headquarters. Of course, no one would minimize the difficulty of opening posts and telegraphs in the vast hilly region on the frontier, but one fails to see earnest and serious practical effort towards expansion in this direction. I appreciate the anxiety of the Government to do as much and as soon as possible for the welfare of the scheduled castes and scheduled tribes. But obviously, something is wrong somewhere, and the

execution of the work does not advance apace.

Sir, I would now say a few words about the miserable condition of the hill people and particularly of those in the Pakistan border. Their condition was bad enough before partition. It has become very much worse since. Most people right on the border had some narrow strips of paddy land down below the hilly slopes and the level plain where it touches the Pakistan boundary line. But owing to the gradual encroachment on the part of the Pakistan nationals and owing to the peaceful nature of our people and the unmindedness,—I am sorry to say—of our Government, these paddy lands are lost. Then again, Assam freely accepts the import of fish, egg and other commodities from Sylhet which is in Pakistan, but Pakistan banned all trades with the people of the Khasi and Jaintia Hills, and also with the people of the Garo and Lushai hills. And in consequence, procure such as oranges, betel-nuts and betel-leaves and such other commodities by selling which these people used to earn money, and with which they purchased rice, and other essentials of life, have come to a standstill. The consequence of this on the poor people can very well be imagined. Oranges in huge quantities are rotting and the people have been living on the brink of starvation for want of cereals. I urge upon the Government with all the emphasis at my command that there should be reciprocity in trade with Pakistan, and that the Government of India should come forward with adequate subsidy and other necessary steps for extracting oranges and other commodities from these people without delay and put them into the market where there is a demand. Alongside with these measures, I would suggest as an alternative step that Government should take immediate and effective steps to rehabilitate these people in a more suitable place. Otherwise, these people are heading towards extinction.

The next thing to which I would invite the attention of the House is to the district councils which are functioning in the autonomous districts of Assam. Once, the hon. Home Minister was pleased to say that these were functioning satisfactorily, but I am sorry to say, that the reverse is the case in actual working and that for lack of funds. I would suggest that sufficient funds be placed at the disposal of these councils so that they may function to the best advantage of the people.

Finally, Sir, I would like to say a few words about the social workers.

Mr. Chairman: How long will you take?

Shrimati Khongmen: I am finishing. I mourn in the loss of Mr. B. K. Bhandari who was appointed Regional Commissioner for Scheduled Castes and Scheduled Tribes for the State of Assam, West Bengal, Tripura and Manipur. He was a tireless social worker; he was a graduate from South India. He went to Assam about 15 years ago to serve the tribal people of Assam under the guidance of the late-lamented Thakkar Bapa. There, he identified himself with the people and lost himself in the service of the neglected. A few years back he died while in the service of the tribal people. The gap which thus caused by his death cannot easily be filled up. He was a rare social worker who is remembered by the poor backward people with gratitude. He left behind his wife and four children who are finding it difficult to make both ends meet. Any help to them by way of grant, pension or both, would be welcomed.

Finally I wish to say about the Christian missionaries. Whatever might be their doing during the British domination in India it cannot be gainsaid that generally speaking they render yeoman service for the uplift of the most backward and neglected tribes. They brought education and civilization to those people.

An Hon. Member: Conversion.

Shrimati Khongmen: For lack of communication, nobody would care even to know how these people live or die. These missionaries brought appreciable medical relief to the door of these benighted people. They opened treatment centres for leprosy and other diseases, and live and work among them day in and day out, week in and week out. The Welsh Mission hospital at Shillong and the Christian Mission hospital at Jorhat are unique institutions in India. Of late, there appears to be a tendency of not giving a fair deal to these Christian missionaries. Nobody would object to dealing adequately with one who indulges in anti-Indian activities, but to castigate a set of social workers generally and to treat the individual members harshly, without giving an opportunity to know and to explain their acts of omission and commission, is, to my mind, unfair to those foreign missionaries, and unhelpful to India herself. This again is likely to be misunderstood by some hill people, particularly, in the Khasi, Jaintia, Naga and Lushai hills. I therefore beg to convey a note of caution in this matter.

Mr. Chairman: I have received notice of amendments only today. I hope the hon. Minister has no objection to those amendments being moved. I will call upon the hon. Members and take those amendments as moved. Of course, they will be circulated to the hon. Members.

Shri P. N. Rajabhoj: I beg to move:

That in the motion, the following be added at the end, namely:—

"and having considered the same, this House is of opinion that—

(a) proper representation should be given to the Scheduled Castes in the diplomatic services and in the appointment of Governors of States;

(b) the Scheduled Castes of the Jammu and Kashmir State should be given due representation in Government services according to their population, and all the facilities and privileges enjoyed by the Scheduled Castes in India be extended to the Scheduled Castes of that State;

(c) a sum of Rs. 25 crores be set apart in the first Five Year Plan, for the amelioration of the conditions of the Scheduled Castes and Scheduled Tribes, in view of their backwardness in all walks of life;

(d) the Scheduled Caste refugees from Pakistan should be given the first priority in the matter of monetary compensation on account of their sheer poverty and helplessness;

(e) the posts reserved for the Scheduled Castes should not be filled by candidates belonging to other communities and that in case the Government find that suitable Scheduled Caste candidates are not available necessary steps should be taken by Government to arrange for the training of the Scheduled Castes to bring them up to the desired standard;

(f) a suitable machinery should be set up at the Centre for proper implementation of the recommendations of the Commissioner for Scheduled Castes and Scheduled Tribes, and other facilities provided for by the Government and that an Advisory Committee consisting of members drawn from the ranks of the Scheduled Castes and Tribes should be appointed to advise Government in this behalf.

(g) Scheduled Castes and Scheduled Tribes should be recruited direct in the cadres of the I.A.S. and the I.P.S. in order

to give them due representation according to their population;

(h) the Scheduled Castes and Scheduled Tribes should be given due representation in the Defence Services of India;

(i) small scale industries such as tanning, weaving, mat-making, shoe-making, etc., should be opened by the State Governments in villages in order to remove unemployment among the Scheduled Castes and Scheduled Tribes.

(j) while issuing permits, and allotting quotas etc. for exports and imports due consideration should be given to the Scheduled Castes in order to improve their economic conditions.

Shri K. C. Jena (Balasore—Reserved—Sch. Castes): I beg to move:

That in the motion, the following be added at the end, namely:—

"and having considered the same, this House is of opinion that in order to avoid delay and help speedy progress, a separate Ministry should be in charge of the welfare and upliftment work of the Scheduled Castes and Scheduled Tribes."

Shri Elayaperumal (Cuddalore—Reserved—Sch. Castes): I beg to move:

(1) That in the motion, the following be added at the end, namely:—

"and having considered the same, this House is of opinion that the children of Scheduled Castes and Scheduled Tribes should be sent for foreign studies according to their population and also they should be given free education in all stages that is, primary, secondary, university and technical."

(2) That in the motion, the following be added at the end, namely:—

"and having considered the same, this House is of opinion that if anybody compels any person belonging to the Scheduled Castes against his wish or will to do any kind of work or labour it must be an offence and also that such offence must be treated as cognizable and the offenders must be punished with fine or rigorous imprisonment or both."

(3) That in the motion, the following be added at the end, namely:—

"and having considered the same, this House is of opinion that:—

(a) in the list of Scheduled Castes the names of Thotti, Vettiyan and Thalayari and so called drum-beaters' should be included"

(b) it must be made an offence for higher caste Hindus to comple against his wish any person belonging to the Scheduled Castes to beat nasty drums at the time of death ceremonies in their houses."

(4) That in the motion the following be added at the end, namely:—

"and having considered the same, this House is of opinion that—

(a) Scheduled Castes occupying Government peromoboke land where they have built houses should not begot vacated through the Revenue officers or other Revenue Authorities and that such land should be given to the Scheduled Castes occupying it.

(b) a percentage of post of village Munichief and Kernam (village Headmen) must be reserved for the Scheduled Castes and Scheduled Tribes in every state in India."

श्री काजरोलकर : चेयरमैन महोदय, आज सभा के सामने शेडयूल्ड कास्टस और

[श्री कजरोल्कर]

शैड्यूल्ड ट्राइब्स की १९५२ की जो रिपोर्ट विचार के लिये आई है उस का मैं स्वागत करता हूं। पहले तो जिस ने इस रिपोर्ट को तैयार किया उन शैड्यूल्ड कास्ट्स और शैड्यूल्ड ट्राइब्स के कमिश्नर श्रीयुत श्रीकान्त भाई को मैं धन्यवाद देता हूं। जिस दिन से .....

श्री पी० एन० राजभोज : तब फिर ऐमेन्डमेंट की क्या जरूरत है ?

श्री कजरोलकर : जरूरत है।

Mr. Chairman: I would advise the hon. Member not to mind the interruptions, but proceed.

श्री कजरोलकर : यह डिपार्टमेंट डा० काटजू साहब के पास है और डिप्टी मिनिस्टर साहब हमारे मित्र दातार साहब इस मामले में बहुत दिलचस्पी लेते हैं, इस के लिये मैं इन लोगों को भी धन्यवाद देता हूं। लेकिन साथ ही साथ इस रिपोर्ट में जो कमतरता है उस को भी मैं बतलाने का प्रयत्न करूंगा।

गत वर्ष इस पार्लियामेंट में डा० काटजू साहब ने कहा था कि रिमूवल आफ अनटचेबिलिटी बिल जल्दी ही लाया जायेगा, लेकिन इस सेशन में यह बिल नहीं आया है यह दुःख की बात है क्यों कि इस बिल की बहुत जल्दी जरूरत है।

श्री पी० एन० राजभोज : क्यों लायेंगे बाबा ?

श्री कजरोलकर : मेहरबानी कर के जरा चुप बैठिये।

हमारी सरकार को इस के लिये जल्दी बिल लाना चाहिये। लेकिन इस के साथ ही खाली बिल लाने से ही काम नहीं चलेगा। इस का कुछ असर होने के लिये जरूरी है कि रिमूवल आफ अनटचेबिलिटी के प्रोपैगन्डे के लिये प्रबन्ध होना चाहिये और कुछ रकम रक्खी जाये। और इस को १९५३-५४ के बजट में रखा गया है इस का भी मैं स्वागत करता हूं। लेकिन साथ ही मेरा यह कहना है कि यह तो खाली एक वर्ष की स्कीम है। रिमूवल आफ अनटचेबिलिटी एक वर्ष में नहीं हो सकती और न हजारों वर्ष की अस्पृश्यता का महा रोग एक वर्ष के अन्दर मिटाया जा सकता है। मेरी प्रार्थना है कि यह जो स्कीम है इस को पांच वर्ष के लिये किया जाय।

शिक्षा के बारे में मैं यह कहना चाहता हूं कि गत वर्ष आनरेबिल फाइनेन्स मिनिस्टर, श्री सी० डी० देशमुख ने हमारी विनती स्वीकार कर के स्कालर्शिप्स के लिये जो १९५२ के पहले १५ लाख रुपये मिलते थे उसे इस वर्ष ५० लाख रुपये कर दिया है, मैं यह भी सुनता हूं कि यह ५० लाख रुपये विद्यार्थियों के लिये काफी नहीं हुए तो १० लाख रुपये और देने की योजना चल रही है। इस के लिये मैं उन को धन्यवाद देता हूं। इस वर्ष कुछ फारेन स्कालर्शिप्स के लिये भी प्रबन्ध किया है, लेकिन वह बहुत ही कम है।

इस के बाद मैं हास्टेल्स के बारे में यह कहना चाहता हूं कि हमारी गवर्नमेंट ने स्टेट गवर्नमेंटों को यह इन्स्ट्रक्शन दिया कि जिन स्टेट्स में खाली शैड्यूल्ड कास्ट्स के लिये हास्टेल्स हैं उन के अन्दर सवर्ण हिन्दू स्टुडेन्ट्स को भी लिया जाय। इस पर हमारे कई हरिजन भाई बोले कि अगर हमारे हास्टेल्स में १०० का स्थान होगा और उन के अन्दर कुछ सवर्ण स्टुडेन्ट्स को लिया जायगा तो हमारा कोटा कम हो जायेगा। इस के लिये मैं कहना चाहता हूं कि सरकार हरिजन छोकरों के लिये जो ग्रान्ट देती है उस ग्रान्ट के अन्दर कोई कमी न की जाय।

अब सर्विस के बारे में कहना चाहता हूं कि इस ओर बहुत कम तरक्की हुई है। इस के बारे में मैं आप को एक उदाहरण देना चाहता हूं। सर्विस के बारे में सौराष्ट्र की गवर्नमेंट ने और सौराष्ट्र के चीफ मिनिस्टर ढ़ेबर भाई ने जो कदम उठाया है वह बहुत अभिनन्दनीय है, और अगर मुझे टाइम मिले तो मैं उन्हों ने जो खत मुझे भेजा है उस को पढ़ कर सुनाना चाहता हूं।

"I have seen from my experience that there is no half-way house between the circular the Saurashtra Government has issued and the object we have in view, for the least gap in the rules works against the objective. We have to see how this circular is implemented. I am sending herewith a copy of the press note."

यह प्रेस नोट भी मैं पढ़ कर सुनाता लेकिन समय बहुत कम है।

Mr. Chairman: I think the hon. Member is likely to take some more time. It is now half past six and I adjourn the House till half past one tomorrow.

The House then adjourned till Half Past One of the Clock on Friday, the 18th December, 1953.